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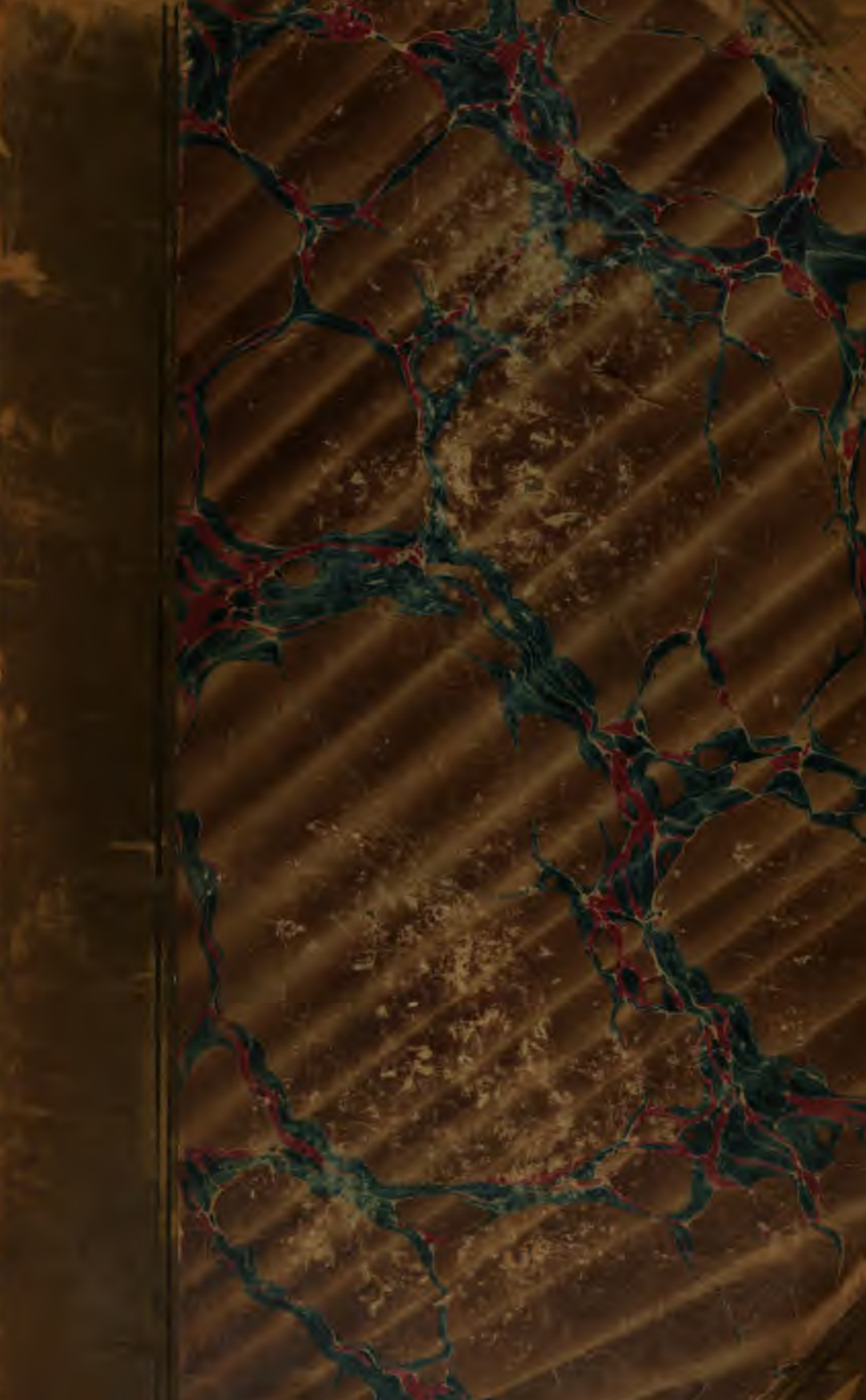
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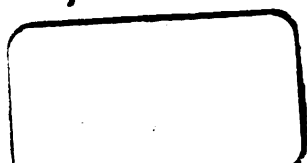
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A  
COLLECTION  
OF THE  
PUBLIC GENERAL STATUTES  
PASSED IN THE  
FIFTH AND SIXTH YEAR  
OF THE REIGN OF HIS MAJESTY  
KING WILLIAM THE FOURTH,  
1835.



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A

T A B L E

OF

The PUBLIC GENERAL STATUTES passed in the  
FIRST Session of the TWELFTH Parliament of the  
United Kingdom of *Great Britain and Ireland.*

5 & 6 WILLIAM IV.

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- I. AN Act to explain an Act of the First Year of His present Majesty, for the more effectual Administration of Justice in *England and Wales*, so far as relates to the Execution of Criminals in the County of *Chester*. 1
- II. An Act to amend an Act of the Thirty-eighth Year of King *George the Third*, for preventing the Mischiefs arising from the printing and publishing Newspapers, and Papers of a like Nature, by Persons not known, and for regulating the Printing and Publication of such Papers in other respects; and to discontinue certain Actions commenced under the Provisions of the said Act. 2
- III. An Act to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-five. 5
- IV. An Act for raising the Sum of Fifteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five. 6
- V. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. 9
- VI. An Act to indemnify the Governor General and other Persons in respect of certain Acts done in the Administration of the Government of the *British Territories in the East Indies* subsequent to the Twenty-second Day of *April* One thousand eight hundred and thirty-four, and to make those Acts valid. 50
- VII. An Act for the Regulation of His Majesty's Royal Marine Forces while on Shore. 52
- VIII. An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits. 85



## TABLE OF PUBLIC GENERAL STATUTES,

- IX. An Act to apply a Sum of Eight Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-five. 89
- X. An Act to allow, until the Twenty-eighth Day of *July* One thousand eight hundred and thirty-five, the Importation of certain Articles, Duty-free, into the Island of *Dominica*, and to indemnify the Governor and others for having permitted the Importation of such Articles Duty-free. 91
- XI. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-six; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-six; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates. 91
- XII. An Act for continuing to His Majesty, until the Fifth Day of *July* One thousand eight hundred and thirty-six, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-five. 97
- XIII. An Act to regulate the Importation of Corn into the *Isle of Man*. 100
- XIV. An Act to continue to the Thirty-first Day of *December* One thousand eight hundred and thirty-six, and from thence to the End of the then next Session of Parliament, an Act of the Tenth Year of His late Majesty's Reign, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland*. 101
- XV. An Act to continue until the Thirty-first Day of *May* One thousand eight hundred and thirty-eight, and to the End of the then next Session of Parliament, the Allowances of the Duty of Excise on Soap used in certain Manufactures. 101
- XVI. An Act for altering and amending the Law regarding Commitments by Courts of Equity for Contempts, and the taking Bills *pro Confesso*, in *Ireland*. 102
- XVII. An Act to extend to *Ireland* certain Provisions of an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Lunatics, and Persons of unsound Mind*. 113
- XVIII. An Act to exempt Carriages carrying Manure from Toll. 115
- XIX. An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service. 116
- XX. An Act to consolidate certain Offices in the Collection of the Revenues of Stamps and Taxes, and to amend the Laws relating thereto. 139

- XXI. An Act to amend and alter an Act of the Fifty-ninth Year of His late Majesty King *George* the Third, for vesting in Commissioners the Line of Road from *Shrewsbury* in the County of *Salop* to *Bangor Ferry* in the County of *Carnarvon*; and for discharging the Trustees under several Acts of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-first, Forty-second, Forty-seventh, and Fiftieth Years of His then present Majesty, from the future Repair and Maintenance thereof, and for repealing so much of the said Acts as affects the said Line of Road. 150
- XXII. An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts of the Second and Third Year and the Third and Fourth Year of His present Majesty, relating to the Care and Treatment of Insane Persons in *England*. 165
- XXIII. An Act for the Establishment of Loan Societies in *England* and *Wales*; and to extend the Provisions of the Friendly Societies Acts to the Islands of *Guernsey*, *Jersey*, and *Man*. 165
- XXIV. An Act for the Encouragement of the voluntary Enlistment of Seamen, and to make Regulations for more effectually manning His Majesty's Navy. 169
- XXV. An Act to extend the Accommodation by the Post to and from Foreign Parts, and for other Purposes relating to the Post Office. 172
- XXVI. An Act for the Appointment of convenient Places for the holding of Assizes in *Ireland*. 187
- XXVII. An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in *Ireland*. 188
- XXVIII. An Act for removing Doubts as to the Declaration to be made and Oaths to be taken by Persons appointed to the Office of Sheriff of any City or Town being a County of itself. 200
- XXIX. An Act for investing in Government Securities a Portion of the Cash lying unemployed in the Bank of *England* belonging to Bankrupts Estates, and applying the Interest thereon in discharge of the Expences of the Court of Bankruptcy, and for the Relief of the Suitors in the said Court: and for removing Doubts as to the Extent of the Powers of the Court of Review and of the Subdivision Courts. 201
- XXX. An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in *England* and *Wales*. 212
- XXXI. An Act to give Effect and Validity to certain Contracts and Presentments for repairing and keeping in repair certain Public Roads in *Ireland* and the Sureties entered into for the Execution thereof. 214
- XXXII. An Act to impose certain Duties on Tea. 216
- XXXIII. An Act for preventing the vexatious Removal of Indictments into the Court of King's Bench; and for extending the Provisions of an Act of the Fifth Year of King *William* and Queen *Mary*,

## TABLE OF PUBLIC GENERAL STATUTES,

- Mary*, for preventing Delays at the Quarter Sessions of the Peace, to other Indictments; and for extending the Provisions of an Act of the Seventh Year of King *George* the Fourth, as to taking Bail in Cases of Felony. 216
- XXXIV. An Act to amend Two clerical Errors contained in an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith.* 218
- XXXV. An Act for consolidating the Offices of Paymaster General, Paymaster and Treasurer of *Chelsea* Hospital, Treasurer of the Navy, and Treasurer of the Ordnance. 219
- XXXVI. An Act to limit the Time of taking the Poll in Boroughs at contested Elections of Members to serve in Parliament to One Day. 221
- XXXVII. An Act for the further Reduction of the Militia Staff, and to suspend the Ballot for the Militia. 223
- XXXVIII. An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in *England* and *Wales*; and for appointing Inspectors of Prisons in *Great Britain.* 225
- XXXIX. An Act to exempt certain Retailers of Spirits to a small Amount from the additional Duties on Licences; and to discontinue the Excise Survey on Wine, and the Use of Permits for the Removal thereof. 229
- XL. An Act to provide for the better Collection of the Duties on Wood the Produce of Places in *Europe.* 231
- XLI. An Act to amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and certain other illegal Transactions. 231
- XLII. An Act to authorize the granting of Superannuation Allowances to the Commissioners and Officers of the Courts for the Relief of Insolvent Debtors. 235
- XLIII. An Act for enlarging the Powers of Magistrates in the Appointment of Special Constables. 237
- XLIV. An Act for raising the Sum of Thirteen millions five hundred twenty-one thousand five hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five. 238
- XLV. An Act to carry into further Execution the Provisions of an Act passed in the Third and Fourth Years of His present Majesty, for compensating Owners of Slaves upon the Abolition of Slavery. 240
- XLVI. An Act to amend, until the End of the next Session of Parliament, an Act of the Second Year of His present Majesty, for making Provision for the Dispatch of the Business now done by the Court of Exchequer in *Scotland.* 247
- XLVII. An Act to repeal so much of an Act passed in the Third and Fourth Years of His present Majesty as relates to the Amount of the Salary granted to the Clerk of the Crown in Chancery; and to make other Provisions in relation to the said Office. 248
- XLVIII. An

- XLVIII. An Act for the better Prevention and more speedy Punishment of Offences endangering the Public Peace in *Ireland*. 250
- XLIX. An Act for continuing, until the First Day of *June* One thousand eight hundred and thirty-seven, the several Acts for regulating the Turnpike Roads in *Great Britain* which will expire on the First Day of *June* One thousand eight hundred and thirty-six or with the next Session of Parliament. 255
- L. An Act to consolidate and amend the Laws relating to Highways in that Part of *Great Britain* called *England*. 255
- LI. An Act for granting Relief to the Island of *Dominica*; and to amend an Act of the Second and Third Years of His present Majesty, for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount for the Purposes therein mentioned. 312
- LII. An Act to authorize the Court of Directors of the *East India* Company to suspend the Execution of the Provisions of the Act of the Third and Fourth *William* the Fourth, Chapter Eighty-five, so far as they relate to the Creation of the Government of *Agra*. 315
- LIII. An Act to repeal an Act of the Ninth Year of His late Majesty, for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the *British* Possessions on the Continent and Islands of *North America*; and to make further Provision for regulating the Carriage of Passengers from the United Kingdom. 316
- LIV. An Act to render certain Marriages valid, and to alter the Law with respect to certain voidable Marriages. 323
- LV. An Act for facilitating the Appointment of Sheriffs in *Ireland*, and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in *Ireland*; and to amend the Laws relating to Grants in custodiam and Recovery of Debts in *Ireland*; and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in *Ireland* to the Commissioners for auditing the Public Accounts of *Great Britain*. 323
- LVI. An Act to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom. 338
- LVII. An Act to extend to *Scotland* certain Provisions of an Act of the Ninth Year of His late Majesty, to consolidate and amend the Laws relating to Savings Banks; and to consolidate and amend the Laws relating to Savings Banks in *Scotland*. 340
- LVIII. An Act to amend the Acts relating to the Hereditary Land Revenues of the Crown in *Scotland*. 341
- LIX. An

## TABLE OF PUBLIC GENERAL STATUTES,

- LIX. An Act to consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the driving of Cattle, and to make other Provisions in regard thereto. 344
- LX. An Act for carrying into effect a Treaty with the King of the *French* and the King of *Sardinia* for suppressing the Slave Trade. 351
- LXI. An Act for carrying into effect the Treaty with the King of the *French* and the King of *Denmark* for suppressing the Slave Trade. 367
- LXII. An Act to repeal an Act of the present Session of Parliament, intituled *An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits*; and to make other Provisions for the Abolition of unnecessary Oaths. 382
- LXIII. An Act to repeal an Act of the Fourth and Fifth Year of His present Majesty relating to Weights and Measures, and to make other Provisions instead thereof. 388
- LXIV. An Act to alter certain Duties of Stamps and Assessed Taxes, and to regulate the Collection thereof. 405
- LXV. An Act for preventing the Publication of Lectures without Consent. 412
- LXVI. An Act to amend the Law relating to the Customs. 413
- LXVII. An Act for the Improvement of the Navigation of the River *Shannon*. 414
- LXVIII. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quarter Masters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and thirty-six. 421
- LXIX. An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in *England* and *Wales*. 439
- LXX. An Act for abolishing, in *Scotland*, Imprisonment for Civil Debts of small Amount. 446
- LXXI. An Act for appointing Commissioners to continue the Inquiries concerning Charities in *England* and *Wales* until the First Day of *March* One thousand eight hundred and thirty-seven. 448
- LXXII. An Act for abolishing the Excise Incorporation in *Scotland*, and for transferring the Funds of the said Incorporation to the Consolidated Fund, and providing for the Payment of the Annuities to the Widows and Orphans of late and present Members of the Incorporation Fund. 456
- LXXIII. An Act to provide that Persons accused of Forgery in *Scotland* shall not be entitled to Bail unless in certain Cases. 465
- LXXIV. An

- LXXIV. An Act for the more easy Recovery of Tithes. 466
- LXXV. An Act for the Amendment of the Law as to the tithing of Turnips in certain Cases. 468
- LXXVI. An Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*. 468
- LXXVII. An Act to repeal the Duty and Drawback on Flint Glass, to impose other Duties and another Drawback in lieu thereof, and to reduce the Drawback on *German* Sheet Glass exported in Panes; and to repeal the Drawback on unground and unpolished Plate Glass; and to amend the Laws relating to the Duties on Glass. 562
- LXXVIII. An Act to explain and amend an Act passed in the Second and Third Year of the Reign of King *William* the Fourth, for amending the Representation of the People in *Scotland*; and to diminish the Expences there. 570
- LXXIX. An Act to suspend, until after the Sixth Day of *April* One thousand eight hundred and thirty-six, Proceedings for recovering Payment of certain Instalments of the Money advanced under the Acts for establishing Tithe Compositions in *Ireland*. 573
- LXXX. An Act to apply a Sum of Money out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and thirty-five, and to appropriate the Supplies granted in this Session of Parliament. 574
- LXXXI. An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege. 598
- LXXXII. An Act to abolish certain Offices connected with Fines and Recoveries and the Cursitors in the Court of Chancery, and to make Provision for the Abolition of certain Offices in the Superior Courts of Common Law in *England*. 600
- LXXXIII. An Act to amend the Law touching Letters Patent for Inventions. 605
- LXXXIV. An Act to empower Grand Juries in *Ireland* to raise Money by Presentment for the Construction, Enlargement, or Repair of Piers and Quays. 608
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THE  
PUBLIC GENERAL STATUTES,

5 WILLIAM IV.

CAP. I.

An Act to explain an Act of the First Year of His present Majesty, for the more effectual Administration of Justice in *England* and *Wales*, so far as relates to the Execution of Criminals in the County of *Chester*.

[20th March 1835.]

WHEREAS by an Act passed in the First Year of His present Majesty, intituled *An Act for the more effectual Administration of Justice in England and Wales*, the Jurisdiction, Power, and Authority of His Majesty's Court of Session of the County Palatine of *Chester*, and of the Judges thereof, was abolished; and it was, among other Things, enacted, that the Assizes should be held for the Trial and Despatch of all Matters Criminal and Civil within the County of *Chester*, under and by virtue of Commissions of Assize, Oyer and Terminer, Gaol Delivery, and other Writs and Commissions to be issued in like Manner and Form as had been usual for the Counties in *England*, and that all Laws and Statutes then in force relating to the Execution of such Commissions when issued for Counties in *England* should extend and be applied to the Execution of the Commissions issued for the County of *Chester* under the Authority of that Act; and it was provided and enacted, that nothing in that Act contained should be construed to abolish or affect the Obligations and Duties or the Jurisdiction or Rights then lawfully imposed upon, performed, or claimed and exercised by the Mayor and Citizens of *Chester* in the Courts of the County of the City of *Chester* or otherwise, save and except that such Writs of Error or false Judgment as might then by any Charter or Usage of the said Corporation be brought upon the Judgments of the said Courts, or any of them, before any of the Courts abolished by that Act, should thereafter be issued, as in other Cases, from Inferior Courts, and be returnable into His Majesty's Court of King's Bench: And whereas before the passing of the said Act the Sheriffs of the County of the City of *Chester* were by Law liable, and were used and accustomed, to execute all Criminals convicted and condemned to Death and ordered for Execution for Offences committed within the County Palatine of *Chester*: And whereas since the passing of the said Act the Sheriffs of the County of the City

1 W. 4. c. 70.



The Sheriffs of the County of Chester to execute County Criminals.

The Judge before whom any Criminal shall be convicted may make an Order upon the Sheriff of the County to execute such Criminal in any Place not within his Jurisdiction.

‘ City of *Chester* have executed Criminals convicted for Offences committed within the County of *Chester*, and sentenced to Death by virtue of Commissions issued under the Authority of the said Act; but Doubts are entertained whether the Sentence of Death pronounced on Criminals for Offences committed within the County of *Chester* ought to be executed by the Sheriff of the County or by the Sheriffs of the County of the City of *Chester* :’ For the Removal therefore of such Doubts, and for better effecting the Intention of the said Act, be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the Sheriffs of the County of the City of *Chester* for the Time being shall execute the Sentence of Death upon all Criminals condemned to die for Offences committed within the County of *Chester* ; and the Judges, or any One of them, named in the Commissions of Oyer and Terminer and Gaol Delivery issued or from Time to Time to be issued for the County of *Chester*, shall have full Power and Authority to make such Orders on the Constable of the Castle of *Chester* for delivering such Criminals to the Sheriffs of the County of the City of *Chester*, and on the said Sheriffs for the Execution of such Criminals by the said Sheriffs, as such Judges or Judge shall think fit; all which Orders the said Constable and Sheriffs shall be and they are hereby required to obey according to the Exigency thereof.

II. Provided always, and be it enacted, That if at any Time it shall seem fit to any Judge before whom any Criminal shall be convicted and sentenced to die for any Offence committed within the County of *Chester*, that such Criminal should be executed at any Place not within the Jurisdiction of the Sheriffs of the City of *Chester*, but within the County of *Chester*, it shall be lawful for such Judge to make any Order which he may think fit upon the Sheriff of the County of *Chester* to execute such Criminal at such Place, and also upon the Constable of the Castle of *Chester* to deliver such Criminal to the Sheriff of the County, and to do and perform, and suffer to be done and performed, all such Matters and Things as may be necessary for carrying into effect and executing such Sentence; and the said Sheriff and Constable shall be liable and are hereby required to obey all such Orders.

## CAP. II.

An Act to amend an Act of the Thirty-eighth Year of King *George* the Third, for preventing the Mischiefs arising from the printing and publishing Newspapers, and Papers of a like Nature, by Persons not known, and for regulating the Printing and Publication of such Papers in other respects; and to discontinue certain Actions commenced under the Provisions of the said Act.

[20th March 1835.]

‘ **W**HEREAS by an Act passed in the Thirty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled ‘ *An Act for preventing the Mischiefs arising from the printing and publishing*

publishing Newspapers, and Papers of a like Nature, by Persons not known, and for regulating the Printing and Publication of such Papers in other respects, certain Affidavits or Affirmations, containing such Matters and Things in the said Act specified and set forth, relating to Newspapers and other Papers in the said Act described, are required to be made and signed, and sworn or affirmed, and delivered to the Commissioners for managing His Majesty's Stamp Duties, or to some of their Officer or Officers as therein mentioned; and it is by the said Act, amongst other things, also enacted, that in some Part of every Newspaper or other such Paper as aforesaid there shall be printed the true and real Name and Names, Addition and Additions, and Place and Places of Abode of the Printer and Printers and Publisher and Publishers of the same, and also a true Description of the Place where the same is printed: And whereas certain Penalties are by the said Act imposed for any Neglect or Omission to comply with the aforesaid Provisions; and it is by the said Act provided that the said Penalties respectively shall be recovered by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record at *Westminster*, and that the same when recovered shall be, as to one Moiety thereof, to and for the Use of His Majesty, His Heirs and Successors, and, as to the other Moiety thereof, to and for the Use of the Person who shall inform or sue for the same: And whereas the Printers, Publishers, and Proprietors of divers Newspapers have inadvertently neglected to comply with some of the aforesaid Provisions of the said recited Act, and many Actions, Suits, Informations, and Prosecutions have been brought and commenced against such Printers, Publishers, and Proprietors, or some of them, by Persons who sue, inform, and prosecute, as well on their own Behalf as on behalf of His Majesty, to recover various Penalties incurred or alleged to have been incurred under or by virtue of the said Act by reason of such Neglect; and it is expedient that all further Proceedings in such Actions, Suits, Informations, and Prosecutions should be prevented, and such other Provision made in relation thereto, and otherwise as is herein-after mentioned: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That immediately from and after the passing of this Act it shall be lawful for any Person or Persons against whom any Original Writ, Suit, Action, Bill, Complaint, or Information shall have been sued out, commenced, or prosecuted, on or before the Day of the passing of this Act, for the Recovery of any pecuniary Penalty or Penalties incurred under the said Act, except in the Cases herein-after provided, to apply to the Court in which such Original Writ, Suit, Action, Bill, Complaint, or Information shall have been sued out, commenced, or prosecuted, if such Court shall be sitting, or, if such Court shall not be sitting, to any Judge of either of the Superior Courts at *Westminster*, for an Order that such Writ, Suit, Action, Bill, Complaint, or Information shall be discontinued, upon Payment of the Costs thereof out of Pocket incurred to the Time of such Application being made, such Costs to be taxed according to the Practice of such Court; and every such Court or Judge is hereby

Persons sued before the passing of this Act for Penalties incurred under the recited Act may apply to the Court or to a Judge to stay Proceedings, upon certain Conditions.

authorized and required, upon such Application, and Proof that sufficient Notice has been given to the Plaintiff or Plaintiffs, or to his or their Attorney, of the Application, to make such Order as aforesaid; and upon the making such Order, and Payment or Tender of such Costs as aforesaid, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued.

Where any Action commenced before 4th March 1835 has been renewed the Court or Judge may make Order for discontinuing it upon Payment of Costs.

II. Provided always, and be it enacted, That in all Cases in which any such Writ, Suit, Action, Bill, Plaint, or Information sued out or commenced on or before the Fourth Day of *March* One thousand eight hundred and thirty-five shall have been renewed or continued before the passing of this Act, or upon which any Declaration shall have been filed or delivered, or other Proceeding had, after the said Fourth Day of *March* and before the passing of this Act, it shall be lawful for such Court or Judge, upon such Application and Proof as aforesaid, to make such Order as aforesaid for discontinuing the same, upon Payment of the Costs out of Pocket of all Proceedings had on or before the said Fourth Day of *March*, to be taxed as aforesaid, and of such Costs out of Pocket, if any, of any Proceedings had after the said Fourth Day of *March*, as the Court or Judge making such Order shall direct; and upon making such Order, and Payment or Tender of such Costs, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued.

Court may make Order for discontinuing Actions commenced since 4th March, without Payment of Costs.

III. Provided always, and be it enacted, That in all Cases in which any such Writ, Suit, Action, Bill, Plaint, or Information shall have been sued out or commenced at any Time subsequent to the said Fourth Day of *March*, it shall be competent for such Court or Judge as aforesaid to make such Order as aforesaid for discontinuing the same, without Payment of any Costs; and upon making such Order, such Writ, Suit, Action, Bill, Plaint, or Information shall be forthwith discontinued.

Not to extend to Actions in which Judgment obtained, nor to those by Attorney or Solicitor General.

IV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to any Action, Bill, Plaint, or Information in which any Judgment or Conviction shall have passed on or before the Day of the passing of this Act, or to any Action, Bill, Plaint, or Information which shall have been or shall be commenced, prosecuted, entered, or filed by or in the Name of His Majesty's Attorney General or Solicitor General for and on behalf of His said Majesty.

Penalties incurred under said Act to go wholly to His Majesty.

V. And be it enacted, That from and after the passing of this Act all Fines, Penalties, and Forfeitures imposed by or incurred or which may be incurred under the said recited Act shall go and be applied to the Use of His Majesty, His Heirs and Successors, and may be sued or prosecuted for in any of His Majesty's Courts of Record at *Westminster*, or in His Majesty's Court of Exchequer in *Scotland*, as the Case may arise in *England* or *Scotland* respectively, wherein no Essoign, Privilege, Protection, Wager of Law, or more than One Impar lance shall be allowed; any thing in the said recited Act or in any other Act contained to the contrary thereof notwithstanding.

No Actions for Penalties to be commenced except in the Name of the

VI. Provided always, and be it enacted, That from and after the passing of this Act it shall not be lawful for any Person or Persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any Action, Bill,

Bill, Plaint, or Information in any of His Majesty's Courts, or before any Justice or Justices of the Peace, against any Person or Persons for the Recovery of any Fine, Penalty, or Forfeiture made or incurred or which may be incurred by virtue of the said recited Act, unless the same be commenced, prosecuted, entered, or filed in the Name of His Majesty's Attorney General or Solicitor General in that Part of *Great Britain* called *England*, or His Majesty's Advocate for *Scotland* (as the Case may be respectively), or in the Name of the Solicitor of Stamps and Taxes, or some other Officer of His Majesty's Stamp Duties in *England* or *Scotland* respectively; and if any Action, Bill, Plaint, or Information shall be commenced, prosecuted, entered, or filed in the Name or Names of any other Person or Persons than is or are in that Behalf before mentioned, the same and every Proceeding thereupon had are hereby declared and the same shall be null and void to all Intents and Purposes.

VII. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Attorney or Solicitor General in England, of the King's Advocate in Scotland, or of the Solicitor or Officer of Stamps.

Act may be repealed or altered this Session.

### CAP. III.

An Act to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-five.

[20th March 1835.]

‘ Most Gracious Sovereign,

‘ **W**E, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards making good the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned;’ and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards making good the Supply granted to His Majesty for the Service of the Year One thousand eight hundred and thirty-five, the Sum of Two Millions, a Part of the Sum now remaining in the Exchequer, or remaining to be received on the Twenty-third Day of *February* One thousand eight hundred and thirty-five, to complete the Aids granted by Parliament for the Service of the Years One thousand eight hundred and thirty-three and One thousand eight hundred and thirty-four; and also any Sum or Sums of Money which may have been or which may be paid into the Exchequer before the Fifth Day of *April* One thousand eight hundred and thirty-six in respect of Exchequer Bills issued pursuant to Two Acts passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, and in the Third Year of the Reign of His late Majesty King *George* the Fourth, and in the First and Second Years of the Reign of His present Majesty, for authorizing the Issue of Exchequer Bills for carrying on Public Works and Fisheries in the United Kingdom; and also the Sum of Sixty thousand Pounds to be paid into the Exchequer by the

There shall be applied, for the Service of the Year 1835, 2,000,000*l.* now in the Exchequer;

any Sums paid into the Exchequer in respect of Exchequer Bills issued for Public Works;

60,000*l.* to be paid by the East India Company;

United

and any Balance paid in by the Bank of England pursuant to 56 G. S. c. 97.

United Company of Merchants of *England* trading to the *East Indies*, towards the Expence of Retiring Pay, Pensions, and Allowances to His Majesty's Forces serving in *India*, in pursuance of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth; and also the Balance now in the Exchequer, or which may be paid into the same by the Governor and Company of the Bank of *England* on or before the Fifth Day of *April* One thousand eight hundred and thirty-six pursuant to an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to authorize the advancing, for the Public Service, a Proportion of the Balance that shall remain from Time to Time in the Bank of England for the Payment of Dividends on account of the Public Debt, for Lottery Prizes or Benefits not claimed, and Principals of Stocks and Annuities remaining unclaimed*; provided that if at any Time the said Balance shall be reduced to a less Sum than One hundred thousand Pounds, then so much of the Monies advanced by the said Governor and Company shall be repaid to them as shall be equal to the Sum by which the said Balance shall be less than the Sum of One hundred thousand Pounds; and the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

#### CAP. IV.

An Act for raising the Sum of Fifteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five. [20th March 1835.]

‘ Most Gracious Sovereign,

‘ **W**E, Your Majesty's most dutiful and loyal Subjects, the  
 ‘ Commons of the United Kingdom of *Great Britain* and  
 ‘ *Ireland*, in Parliament assembled, towards raising the necessary  
 ‘ Supplies which we have cheerfully granted to Your Majesty in  
 ‘ this Session of Parliament, have resolved to give and grant unto  
 ‘ Your Majesty the Sum herein-after mentioned;’ and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* at any Time or Times to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Fifteen Millions, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the Issue and paying off of Exchequer Bills*.

The Treasury may raise 15,000,000l. by Exchequer Bills in like Manner as is prescribed by 48 G. S. c. 1.

II. And be it further enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Act shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoos had been particularly repeated and re-enacted in the Body of this Act.

The Clauses, &c. in recited Act extended to this Act.

III. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Treasury to apply the Money raised.

IV. And be it further enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of the first Supplies to be granted in the next Session of Parliament.

Bills to be payable out of Supplies of the next Session.

V. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Receipt of His Majesty's Exchequer at *Westminster*.

Interest on Exchequer Bills.

VI. And be it further enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncanceled, shall and may, from and after the Fifth Day of *April* One thousand eight hundred and thirty-six, be received and taken and shall pass and be current to all and every the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to His Majesty, His Heirs and Successors, and also at the Receipt of the said Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to His Majesty, His Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act; and that such of the same Bills as shall be received at the said Exchequer shall and may be locked up and secured as Cash, according to the Course of the said Exchequer settled and established by Law for locking up and securing Monies received in Specie there.

Bills to be current at the Exchequer after April 5, 1836.

VII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Fifteen Millions, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled

Bank of England may advance 15,000,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

An

*An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors ; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.*

## CAP. V.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

[13th April 1835.]

‘ WHEREAS the raising or keeping a Standing Army within the United Kingdom of *Great Britain and Ireland* in Time of Peace, unless it be with the Consent of Parliament, is against Law: And whereas it is adjudged necessary by His Majesty, and this present Parliament, that a Body of Forces should be continued, for the Safety of the United Kingdom, the Defence of the Possessions of His Majesty’s Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of Eighty-one thousand two hundred and seventy-one Men, exclusive of the Officers and Men belonging to the Regiments employed in the Territorial Possessions of the *East India* Company, but including the Officers and Men of the Troops and Companies recruiting for those Regiments: And whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by Judgment of his Peers, and according to the known and established Laws of this Realm; yet nevertheless, it being requisite for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert His Majesty’s Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be listed or in Pay as a Non-commissioned Officer or Soldier, shall, at any Time during the Continuance of this Act, begin, excite, cause, or join in any Mutiny or Sedition in His Majesty’s Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of His Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way

Number of the Forces.

Crimes punishable by Death.



whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy, without His Majesty's Licence or Licence of the General or Chief Commander; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert His Majesty's Service; all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of His Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

The ordinary Course of Law not to be interfered with.

II. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier accused of any Capital Crime, or of any Violence or Offence against the Person, Estate, or Property of any of His Majesty's Subjects, which is punishable by the known Laws of the Land, or shall wilfully neglect or refuse to assist the Officers of Justice in apprehending such Offender, shall, upon Conviction thereof in any Prosecution in any of His Majesty's Courts at *Westminster, Dublin, or Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain and Ireland*, or in His Majesty's Service, and a Certificate thereof shall be transmitted to the Judge Advocate in *London*; provided that no Person, being acquitted or convicted of any Capital Crime, Violence, or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same otherwise than by cashiering.

Soldiers not to be taken away from the Service for Debts under 30*l*.

III. And be it enacted, That no Person whatever (except an Apprentice) enlisted into His Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice, on account of any Breach of Contract, Engagement to serve or work for any Employer; and no Person enlisted as a Soldier, or serving as a Non-commissioned Officer or Drummer on the permanent Staff of the disembodied Militia, shall be liable to be taken out of His Majesty's Service by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shewn to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who

who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Place of Residence before such Listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than and against the Body.

IV. And be it enacted, That it shall be lawful for His Majesty to make Articles of War for the better Government of His Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the King's Printer, shall, as soon as conveniently may be after the same shall have been made and established by His Majesty, be transmitted by His Majesty's Secretary at War, signed with his own Hand and Name, to the Judge of His Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of His Majesty's Dominions Abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British Isles*, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, nor shall be punished in any Manner or under any Regulations which shall not accord with the Provisions of this Act.

The King may make Articles of War in conformity with this Act.

V. And be it enacted, That His Majesty may from Time to Time grant a Commission, under the Royal Sign Manual, for the holding of General Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and that for bringing Offenders against the Articles of War to Justice it shall be lawful for His Majesty to erect and constitute Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, as well as to grant His Royal Commissions or Warrants to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being, any Body of His Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland*, and the *British Isles*, as in any of His Majesty's Garrisons and Dominions or elsewhere beyond the Seas, for convening, as well as for authorizing any Officer under their respective Command, not below the Degree of a Field Officer, to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of His Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Courts-martial by virtue of this Act, may be tried and punished for the same in any Part of His Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Constitution of Courts-martial.

Composition of  
General Courts-  
martial.

VI. And be it enacted, That a General Court-martial convened in any Part of the King's Dominions, (*Bermuda*, the *Bahamas*, *Africa*, and *New South Wales* excepted,) or in the Settlements of the *East India* Company, shall consist of not less than Thirteen Commissioned Officers; if convened in *Bermuda* or the *Bahamas*, or out of the King's Dominions, excepting *Africa* and *New South Wales*, shall consist of not less than Seven, and in *Africa* and *New South Wales* of not less than Five Commissioned Officers; and no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Officers present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Powers of Ge-  
neral Courts-  
martial.

VII. And be it enacted, That a General Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, in any public Prison, or other Place which the Court or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for the Whole or any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, and Neglect of Duty; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge; and whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in any Country or Place which His Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which His Majesty shall please to direct; and the Court may, in addition to any other Punishment, sentence such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial, it shall be lawful for His Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces at the Presidency to which the Offender shall belong, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to His Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid; and if any Person transported as a Felon, whether in pursuance of the original Sentence of the Court-martial, or in pursuance of such Order from His Majesty, or from such Officer commanding in the *East Indies* as aforesaid, shall afterwards return or be found at large, without Leave from His Majesty or other lawful Authority, within any Part of His Majesty's

Majesty's Dominions Abroad or at Home, other than the Place to which he shall have been transported, before the Expiration of the Term limited by such Sentence or Order, and shall be duly convicted thereof, he shall suffer Death as a Felon.

VIII. And be it enacted, That every Paymaster or other Commissioned Officer of His Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to His Majesty's Forces or for His Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from His Majesty's Service, and Incapacity of serving His Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and the Loss and Damage so ascertained as aforesaid shall be a Debt to His Majesty, and may be recovered in any of His Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in His Majesty's Colonies where a Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known.

Trial by General Court-martial for Embezzlement.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Africa*, and *New South Wales*, where it may consist of not less than Five Commissioned Officers, and may sentence any Soldier to any Imprisonment, with or without hard Labour, in any public Prison or other Place which such Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, shall appoint, and may also direct that such Offender shall be kept in solitary Confinement for the Whole or any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, or may sentence any Soldier to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the said Punishments, sentence a Soldier to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct,

Powers of District or Garrison Courts-martial.

In wilfully maiming or injuring himself, or any other Soldier, at the Instance of such Soldier, with Intent to render himself or such Soldier unfit for Service:

In tampering with his Eyes:

In malingering, feigning Disease, absenting himself from Hospital whilst under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure:

In purloining or selling Government Stores:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess :

In producing false or fraudulent Accounts or Returns :

In embezzling or fraudulently misapplying Public Money entrusted to him :

Or in committing any petty Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military :

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind :

And such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Soldier shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from His Majesty's Service; and any such Court shall deprive a Soldier, if convicted of a Charge of habitual Drunkenness, of his Liquor when issued in Kind, or of his Allowance in lieu of Beer or Liquor, or of such Proportion thereof, or of such Portion of his additional or regular Pay, for such Period, not exceeding Two Years, as may accord with His Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentences of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial, other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial; provided that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

Regimental  
Courts-martial.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, the Offence may be tried by a Regimental Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award; and a Regimental Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Thirty Days, and to solitary Confinement for any Period not exceeding Twenty Days; and whenever any such Court-martial shall sentence any Soldier to Imprisonment as aforesaid it may (if it shall think fit) direct that he be kept in solitary Confinement for a certain Portion or Portions of the Period of such Imprisonment: Provided always, that when such Court shall direct the Imprisonment to be part solitary and part otherwise, the whole Period of such Imprisonment, including the solitary Part thereof, shall not exceed Twenty Days; and a Regimental Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived

deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

XI. And be it enacted, That every Soldier who shall be found guilty of Desertion by a General, or District, or Garrison Court-martial, where such Findings shall be duly approved, or of Felony in any Court of Civil Judicature, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, in addition to any Punishment which such Court may award; and it shall be lawful for any Court-martial empowered to try the Crime of Desertion, in addition to any other Punishment, to direct that the Offender be marked on the Left Side, Two Inches below the Arm-pit, with the Letter (D.), such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Marking a  
Deserter.

XII. And be it enacted, That it shall be lawful for any Officer commanding any District, Detachment or Portion of His Majesty's Troops which may at any Time be serving out of His Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries, by any Person serving with or belonging to His Majesty's Armies, being under the immediate Command of any such Officer, to summon and cause to assemble a Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial; provided that no Sentence of any such Court-martial shall be executed until the General commanding in chief the Army of which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong, shall have approved and confirmed the same.

Powers of a  
Detachment  
Court-martial.

XIII. And be it enacted, That in certain Cases, where it may be necessary or expedient, Officers of His Majesty's Marine Forces may sit upon Courts-martial in conjunction with Officers of His Majesty's Land Forces, and such Courts-martial shall be regulated, to all Intents and Purposes, in like Manner as if they were composed of Officers of the Land Forces only, whether the Commanding Officer by whose Orders such Court-martial is assembled belongs to the Land or to the Marine Forces; and Officers of His Majesty's Land Forces, and Officers in the Service of the *East India* Company, when serving together, may be associated in Courts-martial, which shall, to all Intents and Purposes, be regulated in like Manner as if consisting wholly of Officers of His Majesty's Land Forces, or wholly of Officers in the Service of the *East India* Company; save and except, that on the Trial of any Person in His Majesty's Service the Provisions of this Act, and the Oaths thereby prescribed, shall be applicable; and on the Trial of any Officer or Soldier in the Service of the *East India* Company, the Provisions of an Act passed in the Fourth Year of the Reign of His

Mixture of  
Officers upon  
Courts-martial.

late Majesty King *George* the Fourth, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer in the actual Service of the said Company may have a Commission from His Majesty.

Power to administer Oaths.

XIV. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceedings before the same.

Proceedings of Courts-martial.

XV. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act every Member assisting at such Trial, before any Proceeding be had thereon, shall take the Oath in the Schedule to this Act annexed, before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member shall administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon: Provided also, that all Witnesses duly summoned by the Judge Advocate, or the Person officiating as such, or by the President of a District or Garrison Court-martial, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Court of King's Bench in *London* or in *Dublin*, or the Court of Session in *Scotland*, or Courts of Law in the *East* or *West Indies* or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and that all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of King's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires and Stewartries, in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of His Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness had neglected to attend in a Trial in any Proceeding in that Court.

XVI. And

XVI. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence, unless in the Case of an Appeal from a Regimental to a General Court-martial; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

XVII. And be it enacted, That every Judge Advocate, or Person officiating as such at a General Court-martial, or the President of any District or Garrison Court-martial, is required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in His Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

XVIII. And be it enacted, That whenever His Majesty shall intend that any Sentence of Transportation heretofore or hereafter passed by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation any Sentence of Death passed by any such Court, the same, together with His Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief His Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of His Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary at War or his Deputy, to any Judge of the King's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon the same as such Judge is authorized to do by any Act in force touching the Transportation of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of the same, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation; and from the Time when such Order of Transportation shall be made every Act

now

Appeal.

Report of Proceedings of General Courts-martial.

Transportation from the United Kingdom.



now in force touching the Escape of Felons shall apply to such Offender, and to all Persons aiding and abetting, contriving, or assisting in any Escape or intended Escape of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of His Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of King's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or His Majesty's Behalf, shewing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Transportation  
from the Colo-  
nies.

XIX. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed by any Court-martial holden in the *East Indies*, or in any Part of His Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding in chief His Majesty's Forces at the Presidency or Station, or in his Absence by the Adjutant General for the Time being, to some Judge of one of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of His Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender, in like Manner as for the Transportation or intermediate Custody of any other Convict, under an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for punishing Offences committed by Transports kept to labour in the Colonies, and better regulating the Powers of Justices of the Peace in New South Wales*, and an Order of His Majesty in Council dated the Eleventh Day of *November* One thousand eight hundred and twenty-five; and the necessary Proceedings shall be taken, according to such Order, for the Transportation or intermediate Custody of such Offender; and all Acts in force in such Place touching other Offenders to be transported shall in all respects apply as well to the Offender himself so to be transported as to all other Persons whatsoever therein concerned.

6 G. 4. c. 69.

Offences against  
former Mutiny  
Acts may be  
tried under this  
Act.

XX. And be it enacted, That all Crimes and Offences which have been committed against any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act, and all Proceedings

of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same; provided that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

XXI. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from His Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence against him; and in like Manner in the Case of any Soldier tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall in any Case be received until after the Prisoner shall have been found guilty of such Offence, and then only for the Purpose of affixing Punishment; and provided also, that after he shall so have been found guilty, and before such Evidence shall be received, it shall be proved to the Satisfaction of the Court that he had previously to his Trial received Notice of the Intention to produce such Evidence on the same; and provided further, that the Court shall in no Case award to him any greater or other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall so have been found guilty.

Subsequent  
Enlistment no  
Protection from  
Punishment for  
Desertion.

XXII. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with, then for any Officer or Soldier in His Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Soldier, and ought to be with the Corps to which he belongs, such Justice shall forthwith cause him to be conveyed to some public Prison in such Place, or if there be no public Prison in such Place, then, at the Discretion of such Justice of the Peace, to the nearest or most convenient public Prison in the same or any next adjoining County, or to the Provost Marshal, in case such Deserter shall be apprehended within the City or Liberties of *Dublin* or Places adjacent;

Apprehension  
of Deserters.

jacent; or if such Deserter shall be apprehended by any Party of Soldiers of his own Regiment, or shall be apprehended in the Vicinity of the Head Quarters or of any Depôt of the Regiment to which he shall belong, then such Justice may deliver such Deserter to the Party of his Regiment, or may order such Deserter to be taken to the Head Quarters or Depôt of the Regiment to which he shall belong, instead of committing him to Prison; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying at the Foot thereof the Commitment to Prison, or Delivery of such Deserter to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, as the Case may be, to the end that such Person may be removed by an Order from the Office of the said Secretary at War, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum, not exceeding Forty Shillings, as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act: Provided also, that the Fee or Reward taken by any Justice, or his Clerk, in respect of any Information, Commitment, or Report as aforesaid, shall in no Case exceed the Sum of Two Shillings.

Fraudulent  
Confession of  
Desertion.

XXIII. And be it enacted, That any Person who shall voluntarily deliver himself up as a Deserter from His Majesty's Forces or the embodied Militia, or the Forces of the *East India* Company, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any of His Majesty's Forces, as His Majesty shall think fit to appoint, whether such Person shall have been ever actually enlisted as a Soldier or not; or shall be liable to be punished as a Rogue and Vagabond; or may be prosecuted and punished for obtaining Money under false Pretences; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence and obtaining Money; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of His Majesty's Forces, he shall be deemed to be and shall be dealt with as a Deserter.

Recruits desert-  
ing liable to be  
transferred to  
the nearest  
Regiment or  
Depôt.

XXIV. And be it enacted, That any Recruit who shall desert prior to joining the Regiment for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, be liable to be transferred to any Regiment or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment to which His Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments, and Infantry Recruits to Infantry Regiments; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, nor to any other Penalty, except the Forfeiture of their personal Bounty, reserving only for  
them

them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

XXV. And be it enacted, That every Person who shall, in any Part of His Majesty's Dominions, directly or indirectly persuade any Soldier to desert, shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge; and every Person who shall assist any Deserter, knowing him to be such, in deserting or in concealing himself, shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty for inducing or assisting to desert.

XXVI. And be it enacted, That every Commissioned Officer who shall, without Warrant from One or more of His Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for forcible Entry.

XXVII. And be it enacted, That every Gaoler and Keeper of any Prison or House of Correction in every Part of His Majesty's Dominions shall, upon the Order in Writing of any Commanding Officer of a District, Garrison, Regiment, or Corps, (as the Case may be,) receive into his Custody any Soldier under Sentence of Imprisonment by a General or other Court-martial, and keep him in a proper Place of Confinement, with or without hard Labour, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged, or shall, although the Period for which the Soldier was originally committed may not have expired, deliver him up to any Person producing an Order in Writing to that Effect from any such Commanding Officer as aforesaid; and every such Gaoler who shall refuse to receive and to confine any such Non-commissioned Officer or Soldier in manner as aforesaid shall forfeit for every such Offence the Sum of One hundred Pounds.

Custody of Offenders under a Military Sentence.

XXVIII. And be it enacted, That the Gaoler or Person having the immediate Inspection of any Prison, Gaol, or House of Correction in every Part of His Majesty's Dominions, shall diet and supply every Soldier with Fuel and other Necessaries, according to the Regulations of the Prison to which he shall be committed, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary at War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing, signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison or House of Correction is defrayed; and such Gaoler is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, which Order shall continue in force until the Deserter shall have arrived at his Destination, and such Gaoler shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Sub-

Custody and Subsistence of Deserters.

sistence

sistence for his Maintenance as shall be directed by His Majesty's Regulations.

Notice of  
Expiration of  
Imprisonment.

XXIX. And be it enacted, That every Gaoler, to whom any Notice shall have been given that any Person in his Custody for any Offence is a Soldier liable to serve His Majesty on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary at War, or, if in *Ireland*, to the Chief Secretary.

Persons subject  
to this Act.

XXX. And be it enacted, That all the Provisions of this Act shall apply to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Forces of the *East India Company*, while they shall be in any Part of the United Kingdom, and until their Arrival in the Territories of the *East India Company*, and to the Officers and Persons now or hereafter serving and hired to be employed in the Royal Artillery and Field Train, and Master Gunners and Gunners, and Conductors of Stores, and in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, in the Ordnance and in the Commissariat Departments, and who are or shall be serving with any Part of His Majesty's Forces, at Home or Abroad, under the Command of any Officer having Commission from His Majesty, and all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of His Majesty's Ordnance Establishments at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His late Majesty King *George the Third*, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Foreign Troops  
in this Country.

XXXI. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of His Majesty's Dominions Abroad, or in Places in Possession of or occupied by His Majesty's Subjects, under the Command of any Officer having any Commission immediately from His Majesty, shall be liable to Martial Law in like Manner as His Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Militia and  
Yeomanry.

XXXII. And be it enacted, That nothing in this Act contained shall in anywise be construed to extend to any of the Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Cases wherein, by any Act or Acts for regulating any of the said Forces or Corps, the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps.

Act to extend  
to certain  
Islands.

XXXIII. And be it enacted, That this Act shall be construed to extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and  
*Man*,

*Man*, and the Islands thereto belonging, as to the Provisions therein for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a General, or Garrison, or Detachment, or Regimental Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed.

XXXIV. And be it enacted, That every Person who shall receive Enlisting Money from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or an attested Soldier, shall be deemed to be enlisted as a Soldier in His Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall cause to be taken down, in Writing, the Name and Place of Abode of such Recruit; and when any Person shall be enlisted as a Soldier in His Majesty's Land Service, he shall within Four Days, any intervening *Sunday* not included, but not sooner than Twenty-four Hours after such Enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, or, in *Scotland*, before any Baillie of a Royal Burgh, residing within the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall record or cause to be recorded, in Writing, his Answers thereunto; and the said Justice is hereby required forthwith to cause the Answers so recorded in Writing, and the First and Second Articles of the Second Section of the Articles of War against Mutiny and Desertion, to be read over in his own Presence to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Enlisting and swearing of Recruits.

XXXV. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to the Period of his having been enlisted, shall

Dissent and Relief from Enlistment.

be forthwith discharged and set at liberty in the Presence of such Justice ; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice : Provided also, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice ; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto demanding the same ; provided that no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that Account to be proceeded against as having deserted from His Majesty's Service ; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Offences con-  
nected with  
Enlistment.

XXXVI. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in His Majesty's Service, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit was disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit ; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to His Majesty's Secretary at War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter,

Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into His Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into any Garrison or Veteran or Invalid Battalion, or into His Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as His Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any thing in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices before whom such Recruit shall be brought, and who shall be proved, upon Oath before them, to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmary upon being attested, or to have designedly made any false Representation as aforesaid, to adjudge such Person to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law now in force may be inflicted upon Rogues and Vagabonds and Vagrants and incorrigible Rogues; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into His Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His late Majesty, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof, by the Oath of One or more credible Witnesses, that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in His Majesty's Service, or to His Majesty's Navy or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and

7 &amp; 8 G. 4. c. 29.

9 G. 4. c. 55.



the before-mentioned Declaration of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of His Majesty's Regular Forces, or of the *East India Company's* Forces, into which he shall have so enlisted; provided that every such Person shall be liable to serve, within the United Kingdom of *Great Britain* and *Ireland*, in any Regiment, Battalion, or Corps of His Majesty's Regular Forces, or of the *East India Company's* Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Penalty on  
Officers offend-  
ing against  
Laws regarding  
Enlistment.

XXXVII. And be it enacted, That every Military Officer, who shall act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for His Majesty's Service, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, which is hereby authorized to administer such Oath, be cashiered, and disabled to hold any Civil or Military Office or Employment in His Majesty's Service.

Enlistment and  
Re-enlistment  
Abroad.

XXXVIII. ' And whereas it is expedient that Provision should ' be made for the enlisting and attesting of Soldiers desirous of re- ' enlisting, and others desirous of enlisting, Abroad;' be it therefore enacted, That it shall be lawful for any Person duly appointed by His Majesty by any Warrant signed by the Secretary at War in that Behalf, and not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into His Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas, it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to enlist as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so enlisted is hereby deemed to be discharged from his former Corps; and an attested Certificate of Transfer shall be delivered to the Soldier.

Enlistment of  
Negroes.

XXXIX. And be it enacted, That all Negroes purchased by or on account of His Majesty, His Heirs and Successors, and serving in any of His Majesty's Forces, shall be deemed and taken to be free in every respect as if born free in any Part of His Majesty's Dominions, and shall be considered as Soldiers having voluntarily enlisted in His Majesty's Service; provided that nothing contained  
in

in this Act as to enlisting for limited Periods of Service, or in any other Act as to any Rules or Regulations for granting Pensions or Allowances to Soldiers discharged after certain Periods of Service, shall extend to any Negroes so purchased.

XL. And be it enacted, That any Person duly bound as an Apprentice who shall enlist as a Soldier in His Majesty's or the *East India* Company's Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, and shall, after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of His Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from His Majesty's Forces.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

XLI. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Soldier in His Majesty's or the *East India* Company's Service, unless he shall, within One Calendar Month after such Apprentice shall have left his Service, go before some Justice and take the Oath mentioned in the Schedule to this Act annexed, and produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and, if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture so duly executed shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign; and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master, who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice, shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him

Claims of Masters to Apprentices.

with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Punishment of  
Apprentices  
enlisting.

XLII. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Corps or Recruiting Party but under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried, and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; provided that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Musters, and  
Penalty on false  
Musters.

XLIII. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in His Majesty's Service, twice at least in every Year, at such Times as shall be appointed; and no Soldier shall be absent from such Musters, unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Person who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls, or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in His Majesty's Service; and if the Person giving such untrue Certificate shall not have any Military Commission, he shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Wit-  
nesses

nesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds; and the Informer, if he belongs to His Majesty's Service, shall, if he demand it, be forthwith discharged.

XLIV. And be it enacted, That Forty-eight Hours Notice shall be given to Six Justices, not being Officers of the Army, residing within the City and Liberties of *Westminster* and Borough of *Southwark*, of the Muster to be taken of His Majesty's Forces quartered within the said City and Liberties and Borough; and no Officer shall proceed to take such Musters, under Penalty of Fifty Pounds, except in the Presence of Two or more Justices, who shall take cognizance of such Muster, and sign the same, unless such Justices shall neglect to attend, of which Neglect, as well as of the proper Notice being given to such Justices, Oath shall be made, within Forty-eight Hours after such Muster, before any Justice; and the Officer appointed to take the Half-yearly Musters of any of His Majesty's Forces, at any Place Ten Miles distant from *London*, shall close the Muster Rolls within Twenty-four Hours after the said Muster has been made, and send a Copy thereof within Seven Days to the Secretary at War.

Musters in and near Westminster.

XLV. And be it enacted, That any Soldier who shall absent himself without Leave, or who shall desert, shall, on Conviction by a General or other Court-martial, in addition to any Punishment awarded by such Court, forfeit his Pay for the Days on which he has so absented himself without Leave, or on which he has been absent by such Desertion, and that no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under any Sentence of any Court, or during any Absence from Duty by Commitment under the Civil Power on a Charge of any Offence cognizable by a Civil or Criminal Court, or by reason of any Arrest for Debt, or as a Prisoner of War, or while in Confinement under any Charge of which he shall afterwards be convicted; provided that any Soldier, acquitted of the Offence for which he was committed, shall, upon Return to his Duty in his Corps, be entitled to receive all Arrears of Pay growing due, and to reckon Service during his Absence or Confinement; and upon rejoining His Majesty's Service from being a Prisoner of War, due Inquiry shall be made by a Court-martial, and if it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner without wilful Neglect of Duty on his Part, and that he hath not served with or under or in any Manner aided the Enemy, and that he hath returned as soon as possible to His Majesty's Service, he may thereupon be recommended by such Court to receive either the Whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; provided that it shall be lawful for His Majesty's Secretary at War to order or withhold the Payment of the Whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay.

XLVI. And be it enacted, That when there shall not be any Military Officer of Rank, not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension

Extension of Furlough in case of Sickness.

sion of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Corps or Detachment to which the Man belongs, if known, and if not, then to the Agent of the Regiment, in order that the proper Sum may be remitted to the Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter; provided that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marching  
Money on Dis-  
charge.

XLVII. And be it enacted, That every Soldier entitled to his Discharge shall, if then serving Abroad, be sent, if he shall so require it, to *Great Britain* or *Ireland* free of Expence, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at Home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of Discharge than the Place of his original Enlistment.

Commissaries  
to attest their  
Accounts.

XLVIII. And be it enacted, That all Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall take the Oath described in the Schedule to this Act annexed; which Oath, if taken in any Part of the United Kingdom, shall be taken before some Justice, and if taken on Foreign Service, before the Officer commanding in chief, or the Second in command, or the Quarter Master or Deputy Quarter Master General or any Assistant Quarter Master General of the Army to which he shall be attached, who shall respectively have Power to administer the same.

Issue of Pay of  
the Army.

XLIX. And be it enacted, That no Secretary at War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in His Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and thirty-five, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by His Majesty's Regulations, or by His Majesty's Order signified by the Secretary at War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay, who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by His Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demands it, shall be discharged from any further Service; provided that it shall be lawful for His Majesty's Secretary at War to give Orders for withholding the Pay of any Officer  
or

or Soldier for any Period during which such Officer, Non-commissioned Officer, or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty; or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until His Majesty's Orders shall have been signified by the Secretary at War.

L. And for enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, be it enacted, That the said Agents are hereby required to observe such Orders as shall from Time to Time be given by His Majesty under His Sign Manual, or by the Secretary at War, or by His Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of the Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds; and, if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter; or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

Penalty for  
Disobedience  
by Agents.

LI. And whereas by Petition of Right, in the Third Year of King *Charles* the First, it is enacted and declared, that the People of the Land are not by the Laws to be burthened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Three-pence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whomsoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billetting whatsoever: And whereas by an Act passed in *Ireland* in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, should, at any Time thereafter, be allowed any Quarters in any Part of *Ireland*, save only during such Time as he or they should be and remain in some Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army should be commanded to march from any Part of *Ireland* to another: But forasmuch as at this Time, during the Continuance of this Act, there is and may be Occasion for the

How and where  
Troops may be  
billeted.

marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain and Ireland*, be it further enacted, That it shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in His Majesty's Service, and Persons receiving Pay in His Majesty's Army, and the Horses belonging to His Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of His Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by His Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in any One House, except only in case of billeting Cavalry as specially provided); and that they shall be received by the Occupiers of such Houses in which they are so allowed to be billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route; and in all Places where Cavalry shall be billeted in pursuance of this Act, the Men and their Horses shall be billeted in one and the same House, except in case of Necessity; and in no other Case whatsoever shall there be less than One Man billeted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs, when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and

to be billeted upon other Persons, as they shall see Cause; and when any of His Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act, who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses, or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*.

LII. And be it enacted, That the Officers and Soldiers of His Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster*, and Places adjacent, lying in the County of *Middlesex* (except the City of *London*) and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constable shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionally on the Houses subjected thereto by this Act; and the said Constables shall, at every General Sessions of the Peace to be holden for the said City and Liberties, Counties and Boroughs respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed

Billeting the  
Guards in and  
near *Westminster*.



signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace, for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Two-pence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as Justices in billeting.

LIII. And be it enacted, That no Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate Command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Allowance to Innkeepers.

LIV. And be it enacted, That the Innholder or other Person on whom any Soldier is billeted in *England* shall, if required by such Soldier, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by His Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Soldiers may be billeted in *England*, except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldier with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to His Majesty's Forces shall be billeted, in *England*, for Hay and Straw, shall be Ten-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billeted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billeted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any Officer as aforesaid shall  
not

not pay the same, upon Complaint, and Oath made thereof by any Two Witnesses, at the next Quarter Sessions for the County or City where such Quarters were situated, the Secretary at War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

LV. And be it enacted, That all the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Powers and Provisions relating to the *British Isles* shall be construed to extend to *Guernsey, Jersey, Alderney, Sark, and Man*, and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, who shall act in the Execution of this Act in relation to billeting; and all Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary; provided that no Officer or Soldier shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London*, admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters,

Definition of Terms.

Powers and Regulations as to Billets.

Exemptions from Billets.

Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Supply of Carriages.

LVI. And be it enacted, That for the regular Provision of Carriages for His Majesty's Forces, and their Baggage, in their Marches in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from His Majesty, or the General of His Forces, or the Master General or Lieutenant General of His Majesty's Ordnance, if in *England*, or by an Order from the Lord Lieutenant or Chief Governors of *Ireland*, or from the Officer commanding His Majesty's Forces in *Ireland*, or other Person duly authorized in that Behalf, shall, on Production of such Order to such Justices by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying Places from and to which the said Carriages shall travel, and the Number of Miles between the Places, for which Number only so specified Payment shall be demanded, and which Number of Miles shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burthen of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place, where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out, once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.

Rates to be paid, and Mode of proceeding.

LVII. And be it enacted, That the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen, or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred

Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts; and the Order of such Justices at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions (and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, shall be transmitted to the Secretary at War within Three Days after the making thereof); and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand, in the Warrant, the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher; provided that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down in hand the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; provided that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Sixpence a Mile for each Dray, and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to His Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*; provided that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; provided that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice

as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportionable Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty, at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

LVIII. And be it enacted, That it shall be lawful for His Majesty, or the Lord Lieutenant or Chief Governors of *Ireland*, by His or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary at War, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding His Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of His Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person, and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or Navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition to such Justice by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages, in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rate of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

Justices empowered to reimburse the Constables for Sums expended by them.

LIX. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient, then out of the Monies which the said Justices shall have Power to

raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, Regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

LX. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes for the marching of any of His Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Routes in  
Ireland.

LXI. And be it enacted, That all His Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Carriages and Horses belonging to His Majesty, or employed in His Service, when conveying Persons or Baggage under the Provisions of this Act, or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and any Toll Collector who shall demand and receive Toll from any of His Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, every such Toll Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, for which Forfeiture and Penalty he shall be prosecuted before a Justice of the Peace, and in no other Way; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency, as herein-before enacted.

Tolls.

LXII. And be it enacted, That when any Soldiers on Service have Occasion in their March to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in such Cases pay only Half the ordinary Rate for such Boat.

Ferries.

LXIII. And be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom, shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the

Penalties upon  
Civil Subjects  
offending  
against the  
Laws relating  
to Billets and  
Carriages.

Wives,

Wives, Children, Men or Maid Servants of any Officer or Soldier in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed by such Constable to provide Carriages, Horses, or Vessels shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person, liable by this Act to have any Officer or Soldier quartered upon him, shall refuse to receive and to afford proper Accommodation or Diet in the House of such Person in which he is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by His Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled; such Constable, Victualler, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalties upon  
the Military so  
offending.

XLIV. And be it enacted, That if any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do any thing contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in His Majesty's Service; provided that a Certificate thereof shall be transmitted by the said Justice to the Judge Advocate in London, who is hereby required to certify the same to the Commander in Chief and Secretary at War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any  
Carriage

Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

LXV. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to His Majesty's Service, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds nor less than Five Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any credible Person shall prove on Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description hereinbefore described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

LXVI. And be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty on unlawful recruiting.

LXVII. And be it enacted, That every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in His Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or

Penalty on trafficking in Commissions.



shall negotiate or receive for any Purpose whatsoever any Money or Consideration where no Price is allowed by His Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds, and Treble the Value of the Consideration where the Commission is not allowed to be sold, or Treble the Excess of such Consideration beyond the regular Price.

Penalty on killing Game.

LXVIII. And for the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Officers not liable to take Parish Apprentices.

LXIX. And be it enacted, That no Officer of His Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish Poor Child bound Apprentice to him.

Mode of recording a Soldier's Settlement.

LXX. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Notification to Parishes of good or bad Conduct of Soldiers.

LXXI. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary at War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received His Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed His Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of the said Notification.

Wages of a Servant enlisting.

LXXII. And be it enacted, That it shall be lawful for the Justice, before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall

shall make an Order for the Payment of the Amount so awarded, and, in case of Neglect or Refusal to pay the same within Four Days, shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

LXXIII. And be it enacted, That when any Persons shall hold any Canteens under proper Authority of the Board of Ordnance, it shall be lawful for any Two Justices, within their respective Jurisdictions, to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year, or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Licences of Canteens.

LXXIV. And be it enacted, That all Muster Rolls and Pay Lists which are required to be verified upon Oath shall be sworn before and attested by any Justice, without Fee or Reward to himself or to his Clerk.

Attestation of Accounts.

LXXV. And be it enacted, That any Action which shall be brought against any Person for any thing to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, or if, in *Scotland*, such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for any thing to be done in pursuance of this Act, or against any Member or Minister of a Court-martial, in respect of any Sentence of such Court, or of any thing done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Forms of Actions at Law.

LXXVI. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*, and of another Act, passed in the Fifth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders for facilitating the Execution of Warrants by Constables*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any

Recovery of Penalties.

3 G. 4. c. 23.

5 G. 4. c. 18.

Time not exceeding Six Months; which said recited Acts shall be used and applied, in *Scotland*, for the Recovery of all such Penalties and Forfeitures, as fully, to all Intents, as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of His Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of His Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of His Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of His Majesty's Dominions.

Appropriation  
of Penalties.

LXXVII. And be it enacted, That one Moiety of every Penalty, not including any Treble Value of any Articles, adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the Whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London* or *Dublin*, as the Case may be, to be at the Disposal of the Secretary at War; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War.

Administration  
of Oaths.

LXXVIII. And be it enacted, That all Oaths which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and that any Person taking a false Oath in any Case wherein an Oath is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws now in force any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Perjury.

Duration of  
Act.

LXXIX. And be it enacted, That this Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and thirty-five inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and thirty-six; and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and thirty-five inclusive until the First Day of *May* One thousand eight hundred and thirty-six; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and thirty-five inclusive until the First Day of *August* One thousand eight hundred and thirty-six; and shall be and continue in force in all other Parts of *Europe* where His Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and thirty-five inclusive to the First Day of *September* One thousand

thousand eight hundred and thirty-six; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *St. Helena*, and the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and thirty-six inclusive to the First Day of *January* One thousand eight hundred and thirty-seven; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and thirty-seven inclusive to the First Day of *February* One thousand eight hundred and thirty-eight: Provided that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of His Majesty's Dominions beyond the Seas, become and be in full Force; any thing herein-before contained to the contrary notwithstanding.

LXXX. And be it enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this Session of Parliament. Alteration of the Act.

### SCHEDULES to which this Act refers.

#### FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you.

So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law.

So help me GOD.

#### FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

#### QUESTIONS to be put separately by the JUSTICE to a RECRUIT:

##### *Enlisting for unlimited Service.*

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?

7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of \_\_\_\_\_ until you shall legally be discharged?
9. On what Day and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Do you now belong to the Militia?
12. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy?
13. Have you ever served in the Army, Marines, Ordnance, or Navy?

*Note.*—The Justice is directed, in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

*Enlisting for limited Service.*

The preceding Questions to be put by the Justice, except Question 8, which is to be as follows:

8. Are you willing to be attested to serve in the Regiment of \_\_\_\_\_ for the Period of [*this Blank to be filled up by the Justice with Seven Years for Infantry, Ten Years for Cavalry, and Twelve Years for the Artillery, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under the Age of Eighteen Years, then the Difference between his Age and Eighteen to be added to such Seven, Ten, or Twelve Years, as the Case may be,*] Years, provided His Majesty should for so long require your Service, and also for such further Term, not exceeding Six Months, as shall be directed by the Commanding Officer on any Foreign Station, and not exceeding Three Years, as shall be directed by any Proclamation of His Majesty, such additional Period, in the latter Case, to determine whenever Six Months of continued Peace, to be reckoned from the Ratification of any definitive Treaty, shall have elapsed subsequent to the Expiration of the said [*Seven, Ten, or Twelve, as the Case may be,*] Years?

*Enlisting for either His Majesty's or the East India Company's Service.*

Question 8 is to be put by the Justice as follows:

8. Are you willing to be attested to serve in His Majesty's Army, or in the Forces of the *East India Company*, according as His Majesty shall think fit to order, until you shall be duly and legally discharged?

*Enlisting for the East India Company's Service.*

Question 8 to be put by the Justice as follows:

8. Are you willing to be attested to serve the *East India Company* until you shall be legally discharged? [*Or if the Recruit enlists for limited Service then insert, for the Period of Twelve Years, [if the Person enlisting is of the Age of Eighteen Years or upwards, but if under Eighteen Years,*

*Years, then the Difference between his Age and Eighteen to be added to such Twelve Years, as the Case may be, and such Period to be inserted instead of Twelve Years,]*  
 provided the said United Company should so long require your Service ?

OATH to be taken by a RECRUIT enlisting for unlimited or limited Service.

I do make Oath, That the above Questions have been separately put to me ; that the Answers thereto have been read over to me ; and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to His Majesty, His Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend His Majesty, His Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of His Majesty, His Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand

\_\_\_\_\_  
 Signature of Recruit.  
 \_\_\_\_\_  
 Witness present.

Sworn before me at this  
 Day of One thousand eight  
 hundred and

}  
 Signature of Justice \_\_\_\_\_

*If enlisting for either His Majesty's or the East India Company's Service, the following Addition is to be made to the foregoing Oath.*

And that if His Majesty, His Heirs or Successors, shall please to appoint me to serve in the Forces of the *East India Company*, then I swear, that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

*If enlisting for the East India Company's Service, the following is to be added to the Oath.*

And that I will also be true to the said United Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

CERTIFICATE to be given by the JUSTICE.

*Description of*  
 Age, apparently  
 Height, Feet Inches.  
 Complexion,  
 Eyes,  
 Hair,

*Any distinctive Mark.*

to wit. } I of the Peace of one of His Majesty's Justices  
 do hereby certify,  
 That the above is the Description of the Recruit ;  
 and in my Presence all the foregoing Questions were put to the  
 said ; that the Answers written opposite  
 to

to them are those which he gave to me; and that the First and Second Articles of the Second Section of the Articles of War were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of \_\_\_\_\_ on being attested this Day; and that I have given him a Duplicate of this Certificate signed with my Name.

\_\_\_\_\_  
Signature of the Justice.

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I \_\_\_\_\_ of \_\_\_\_\_ do make Oath, That I am by Trade \_\_\_\_\_ a \_\_\_\_\_, and that \_\_\_\_\_ was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the \_\_\_\_\_ Day of \_\_\_\_\_ for the Term of \_\_\_\_\_ Years; and that the said \_\_\_\_\_ did on or about the \_\_\_\_\_ Day of \_\_\_\_\_ abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said \_\_\_\_\_ is aged about \_\_\_\_\_ Years. Witness my Hand at \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_ Sworn before me at \_\_\_\_\_ this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_ }

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I \_\_\_\_\_ one of His Majesty's Justices of the Peace of \_\_\_\_\_ certify, That \_\_\_\_\_ of \_\_\_\_\_ came before me at \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_, and made Oath that he was by Trade a \_\_\_\_\_, and that \_\_\_\_\_ was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the \_\_\_\_\_ Day of \_\_\_\_\_ for the Term of \_\_\_\_\_ Years; and that the said Apprentice did on or about the \_\_\_\_\_ Day of \_\_\_\_\_ abscond and quit the Service of the said \_\_\_\_\_ without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about \_\_\_\_\_ Years.

FORM of OATH of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I \_\_\_\_\_ do hereby make Oath, That I have not applied any Money or Stores or Supplies, under my Care or Distribution, to my own Use, or to the private Use of any other Person, by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than public Purposes, according to the Duty of my Office.

Sworn before me by the within-named }  
this \_\_\_\_\_ Day of \_\_\_\_\_ }

*Justice of the Peace for the County of \_\_\_\_\_, or Commander in Chief, or Second in Command, et cætera, the Army serving in \_\_\_\_\_ et cætera, [as the Case may be.]*

DESCRIPTION RETURN of \_\_\_\_\_ as a  
 Deserter from the \_\_\_\_\_ Regiment of \_\_\_\_\_  
 committed to Confinement at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_  
 Battalion of the \_\_\_\_\_

Age.	Size.		Complexion.	Colour of		Marks.	Probable Date of Enlistment, and in what District.	Probable Date of Desertion, and from whence.	Name, Occupation, and Address of Person by whom apprehended.	Particulars of the Evidence upon which the Prisoner is committed.	Whether the Prisoner confessed before the Magistrate that he is a Deserter.
	Feet.	Inches.		Hair.	Eyes.						

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he \* a Deserter from the before-mentioned Corps.

\_\_\_\_\_  
 Signature and Address of  
 Magistrate.  
 \_\_\_\_\_  
 Signature of Prisoner.  
 \_\_\_\_\_  
 Signature of Informer.

\* Insert "is" or "is not," as the Case may be.

\* I certify, that I have inspected the Prisoner, and consider him fit for active Service.  
 \_\_\_\_\_  
 Signature of Surgeon.

\* If a Military Medical Officer be at or near the Place, he will inspect the Deserter, and report as to his Fitness for Military Service.



## CAP. VI.

An Act to indemnify the Governor General and other Persons in respect of certain Acts done in the Administration of the Government of the *British Territories* in the *East Indies* subsequent to the Twenty-second Day of *April* One thousand eight hundred and thirty-four, and to make those Acts valid. [13th *April* 1835.]

3 &amp; 4 W. 4. c. 85.

‘ WHEREAS under and by virtue of an Act of Parliament  
 ‘ made and passed in the Fourth Year of the Reign of His  
 ‘ present Majesty, intituled *An Act for effecting an Arrangement*  
 ‘ *with the East India Company, and for the better Government of*  
 ‘ *His Majesty’s Indian Territories, till the Thirtieth Day of April*  
 ‘ *One thousand eight hundred and fifty-four*, the Superintendence,  
 ‘ Direction, and Control of the whole Civil and Military Govern-  
 ‘ ment of all the *British Territories* and Revenues in *India* is  
 ‘ vested in a Governor General and Councillors, styled “ The  
 ‘ Governor General of *India* in Council ;” and it is thereby enacted  
 ‘ that there shall be Four Ordinary Members of the said Council,  
 ‘ to be appointed by the Court of Directors of the said Company,  
 ‘ as therein mentioned ; and it is thereby enacted that the Person  
 ‘ who should be Governor General of the Presidency of *Fort*  
 ‘ *William* in *Bengal* on the Twenty-second Day of *April* One  
 ‘ thousand eight hundred and thirty-four should be the First Gover-  
 ‘ nor General of *India* under that Act, and that such Persons as  
 ‘ should be Members of Council of the same Presidency on that  
 ‘ Day should be respectively Members of the Council constituted  
 ‘ by that Act ; and it is also enacted that the said Council shall  
 ‘ from Time to Time assemble at such Place or Places as shall be  
 ‘ appointed by the said Governor General in Council within the  
 ‘ said Territories ; and various Provisions are made for the Admi-  
 ‘ nistration of the Government of the said Territories, all of which  
 ‘ it is thereby enacted shall commence and take effect from and  
 ‘ after the Twenty-second Day of *April* then next, (that is to say,)  
 ‘ from and after the Twenty-second Day of *April* One thousand  
 ‘ eight hundred and thirty-four : And whereas by a Commission  
 ‘ under the Seal of the Honorable the *East India* Company, bear-  
 ‘ ing Date the Twenty-seventh Day of *December* One thousand  
 ‘ eight hundred and thirty-three, duly issued by Order of the Court  
 ‘ of Directors of the said Company in that Behalf, the said Court  
 ‘ did appoint Lord *William Cavendish Bentinck* to be Governor  
 ‘ General of *India*, to take upon himself the said Office upon and  
 ‘ from the Twenty-second Day of *April* One thousand eight hundred  
 ‘ and thirty-four, and did further appoint *William Blunt* Esquire,  
 ‘ *Alexander Ross* Esquire, *William Byam Martin* Esquire, and  
 ‘ *Thomas Babington Macaulay* Esquire, to be respectively the First,  
 ‘ Second, Third, and Fourth Ordinary Members of the said Coun-  
 ‘ cil ; and by another Commission bearing the same Date the said  
 ‘ Court did appoint Sir *Charles Theophilus Metcalfe* Baronet to be  
 ‘ Governor of the Presidency of *Agra*, which Presidency is by the  
 ‘ said recited Act directed to be constituted, to take upon himself  
 ‘ the said Office upon and from the said Twenty-second Day of  
 ‘ *April* One thousand eight hundred and thirty-four : And whereas  
 ‘ under

‘ under and by virtue of the former Appointments of the Court  
 ‘ of Directors of the said Company at the Time of issuing the said  
 ‘ Commissions, and from thence until the Twenty-second of *April*  
 ‘ One thousand eight hundred and thirty-four, the said Lord  
 ‘ *William Cavendish Bentinck* was Governor of the Presidency of  
 ‘ *Fort William* in *Bengal*, and the said Sir *Charles Theophilus*  
 ‘ *Metcalf* and the said *William Blunt* and *Alexander Ross* were  
 ‘ respectively Members of the Council of the said Presidency, and  
 ‘ in virtue of the Provisions of former Acts the said Sir *Charles*  
 ‘ *Theophilus Metcalf* was also Vice President of the said Council :  
 ‘ And whereas on the said Twenty-second Day of *April* One thou-  
 ‘ sand eight hundred and thirty-four the said Lord *William Caven-*  
 ‘ *dish Bentinck* was, in consequence of Ill-health, at *Ootacamund* in  
 ‘ the Presidency of *Madras*, and the said Sir *Charles Theophilus*  
 ‘ *Metcalf* and the aforesaid *William Blunt* were at *Calcutta*, and  
 ‘ the said *Alexander Ross*, *William Byam Martin*, and *Thomas*  
 ‘ *Babington Macaulay* were not in the *East Indies*, and Lieutenant  
 ‘ Colonel *William Morrison*, who had been appointed by the said  
 ‘ Court a Provisional Councillor of *India*, was in *Mysore* ; and for  
 ‘ these and other Reasons the Government of the said Presidency  
 ‘ and other the Territories belonging to the *East India* Company  
 ‘ in *India* was administered for a Time otherwise than in accordance  
 ‘ with the said recited Act ; and it is expedient that the said Lord  
 ‘ *William Cavendish Bentinck*, and Sir *Charles Theophilus Metcalf*  
 ‘ and *William Blunt*, and all other Persons by whom the said  
 ‘ Government was so administered, and all Persons acting under  
 ‘ the Order of them or of any or either of them, should be indem-  
 ‘ nified in manner herein-after mentioned, and their Acts rendered  
 ‘ valid.’ Be it therefore enacted by the King’s most Excellent  
 Majesty, by and with the Advice and Consent of the Lords Spiritual  
 and Temporal, and Commons, in this present Parliament assembled,  
 and by the Authority of the same, That the said Lord *William*  
*Cavendish Bentinck*, Sir *Charles Theophilus Metcalf*, and *William*  
*Blunt*, and also the several Persons who at any Time after the said  
 Twenty-second Day of *April* One thousand eight hundred and  
 thirty-four were or acted as Members of the Council of *India*, and  
 also all Persons acting under the Authority of them or any or either  
 of them, shall be and they are jointly and severally hereby indem-  
 nified, freed, and discharged from and against all Actions, Suits,  
 Prosecutions, and Penalties whatsoever, for or on account or in  
 respect of all or any Acts, Matters, and Things whatsoever done,  
 ordered, directed, or authorized by the said Governor General and  
 Vice President and Members of Council, or any or either of them,  
 or by any Person or Persons acting under the Authority of them or  
 of any or either of them ; so only and provided that such Acts,  
 Matters, and Things shall have been done, ordered, directed, or  
 authorized *bonâ fide* in the Exercise of the Administration of the  
 Government of the *British Territories* in the *East Indies*, between  
 the said Twenty-second Day of *April* One thousand eight hundred  
 and thirty-four and the First Day of *January* One thousand eight  
 hundred and thirty-five.

Governor Ge-  
 neral, Vice Pre-  
 sident, and  
 Members of  
 Council in  
 India, &c. in-  
 demnified for  
 all Acts done by  
 them between  
 22d April 1834  
 and 1st January  
 1835 ;

II. And be it further enacted and declared, That all such Acts,  
 Matters, and Things shall be as valid and effectual, and shall be  
 and be deemed to be of as much Force, Validity, and Effect, as if  
 the same had been expressly authorized by the said recited Act.

and such Acts  
 to be valid.

## CAP. VII.

An Act for the Regulation of His Majesty's Royal Marine Forces while on shore. [13th April 1835.]

‘ WHEREAS it is judged necessary for the Safety of the  
 ‘ United Kingdom, and the Defence of the Possessions of  
 ‘ this Realm, that a Body of Royal Marine Forces should be  
 ‘ employed in His Majesty's Fleet and Naval Service, under the  
 ‘ Direction of the Lord High Admiral of the said United Kingdom,  
 ‘ or the Commissioners for executing the Office of Lord High  
 ‘ Admiral aforesaid : And whereas the said Forces may frequently  
 ‘ be quartered or be on shore, or sent to do Duty or be on board  
 ‘ Transport Ships or Merchant Ships or Vessels, or Ships or  
 ‘ Vessels of His Majesty, or other Ships or Vessels, or they may  
 ‘ be under other Circumstances in which they will not be subject  
 ‘ to the Laws relating to the Government of His Majesty's Forces  
 ‘ by Sea : And whereas no Man can be forejudged of Life or  
 ‘ Limb, or subjected in Time of Peace to any Kind of Punishment  
 ‘ within this Realm, by Martial Law, or in any other Manner than  
 ‘ by the Judgment of his Peers, and according to the known and  
 ‘ established Laws of this Realm ; yet nevertheless, it being requisite  
 ‘ for the retaining of such Forces in their Duty that an exact  
 ‘ Discipline be observed, and that Marines who shall mutiny or stir  
 ‘ up Sedition, or shall desert His Majesty's Service, or be guilty  
 ‘ of any other Crime in breach of good Order and Discipline, be  
 ‘ brought to a more exemplary and speedy Punishment than the  
 ‘ usual Forms of the Law will allow : Be it therefore enacted by  
 the King's most Excellent Majesty, by and with the Advice and  
 Consent of the Lords Spiritual and Temporal, and Commons,  
 in this present Parliament assembled, and by the Authority of the  
 same, That from and after the Twenty-fifth Day of *April* One  
 thousand eight hundred and thirty-five, if any Person who is or  
 shall be commissioned or in Pay as an Officer of Royal Marines, or  
 who is or shall be listed or in Pay as a Non-commissioned Officer,  
 Drummer, or Private Man in His Majesty's Royal Marine Forces,  
 shall at any Time during the Continuance of this Act, while on  
 shore in any Place within the said Kingdom, or in any other of  
 His Majesty's Dominions, or in any Foreign Parts out of such  
 Dominions, or on board any Transport Ship, or Merchant Ship or  
 Vessel, or any Ship or Vessel of His Majesty, or on board any  
 Convict Hulk or Ship, or any other Ship or Vessel, or in any other  
 Place, or while being in any Circumstances in which he shall not  
 be subject to the Laws relating to the Government of His Majesty's  
 Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedi-  
 tion in His Majesty's Marine or other Forces, or shall not use his  
 utmost Endeavours to suppress any such Mutiny or Sedition, or  
 coming to the Knowledge of any Mutiny or intended Mutiny shall  
 not without Delay give Information thereof to his Commanding  
 Officer ; or shall misbehave himself before the Enemy ; or shall  
 shamefully abandon or deliver up any Garrison, Fortress, Post,  
 or Guard committed to his Charge or which he shall be com-  
 manded to defend ; or shall compel the Governor or Commanding  
 Officer of any Garrison, Fortress, or Post to deliver up to the  
 Enemy or to abandon the same ; or shall speak Words or use any  
 other Means to induce such Governor or Commanding Officer or  
 any

Crimes punish-  
 able by Death.

any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of His Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or shall desert His Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

II. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine charged with any Capital Crime, or with any Violence or Offence against the Person or Property of any of His Majesty's Subjects punishable by the known Laws of the Land, or who shall wilfully neglect or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of His Majesty's Courts at *Westminster, Dublin, or Edinburgh*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in His Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty: Provided always, that no Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial, otherwise than by cashiering.

III. And be it enacted, That no Person (except an Apprentice) enlisted in His Majesty's Service as a Marine shall be liable to be arrested or taken therefrom by the Warrant of any Magistrate, or otherwise, on account of any Breach of Contract or Engagement to serve or work for any Employer; and that no Marine shall be liable to be arrested and taken out of His Majesty's Service for Debt by any Process or Execution whatsoever, unless an Affidavit shall be first duly made and filed by the Plaintiff in the Suit, or by some one on his Behalf, for which no Fee shall be taken, that the original Debt for which the Action has been brought amounts to the Sum of Thirty Pounds at least, over and above all Costs in that or any other Action, a Memorandum of which Oath shall be marked on the Back of such Process and of the Warrant grounded thereon; and in case any Person shall nevertheless contrary hereto be arrested, it shall be lawful for any Judge of the Court out of which the Process shall have issued, and he is hereby required, upon Complaint made by the Person arrested, or by his Superior Officer, and upon due Proof thereof being made to him that such

The ordinary Course of Law not to be interfered with.

Marines not to be taken away from the Service for Debts under 30*l*.

Arrest

Arrest was made contrary to the Intent and Meaning of this Act, to discharge the Person so arrested out of Custody, and also to award to the Party complaining such Costs as such Judge shall think reasonable; for the Recovery whereof he shall have the like Remedy by Writ of Execution as that which the Plaintiff in the Suit might have had in case Judgment had been given for him in the Action.

Lord High Admiral, &c. may make Articles for the Punishment of Mutiny, Desertion, &c.

IV. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of His Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of His Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of His Majesty's Ships, Vessels, and Forces by Sea, or to the Discipline of the Royal Navy, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of His Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of His Majesty's Dominions Abroad: Provided always, that no Person shall be subject by such Rules and Articles to any Punishment extending to Life or Limb for any Crime which is not expressed to be so punishable by this Act, nor in any Manner nor under any Regulations which shall not accord with the Provisions of this Act.

Lord High Admiral, &c. may grant Commissions for holding General Courts-martial, &c.

V. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of General and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, in like Manner as has been heretofore used; and for bringing Offenders against the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British* Isles, as in any of His Majesty's Garrisons or Dominions, or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of His Majesty's Royal Marine Forces, as well within the said United Kingdom as elsewhere beyond the Seas, for convening, as well as for authorizing any Officer not below the Degree of a Field Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces under their Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and any Person subject to this Act, who shall in any of His Majesty's Dominions beyond the Seas or elsewhere

elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act, may be tried and punished for the same in any other Part of His Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

VI. And be it enacted, That a General Court-martial convened in any Part of the King's Dominions, (*Bermuda, Africa, and New South Wales* excepted,) or in the Settlements of the *East India* Company, or elsewhere, shall consist of not less than Thirteen Commissioned Officers, and if convened in *Bermuda* or out of the King's Dominions (excepting *Africa* and *New South Wales*) shall have not less than Seven, and in *Africa* and *New South Wales* not less than Five Commissioned Officers; and in all Cases no Judgment of Death shall pass without the Concurrence of Two Thirds at the least of the Members present; and the President shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever under the Degree of a Captain.

Composition of  
General Courts-  
martial.

VII. And be it enacted, That all and every Court-martial shall have Power and Authority and is hereby required to administer the requisite Oath, in the usual Form, to every Person who shall be examined as a Witness before any such Court-martial, previous to his giving Evidence thereat.

Courts-martial  
to administer  
Oaths.

VIII. And be it enacted, That in all Trials by General Courts-martial to be held by virtue of this Act every Member of such Court shall, before any Proceedings be had thereupon, take the Oaths for that Purpose set forth in the Schedule to this Act annexed, before the Judge Advocate or Person officiating as such, and on Trials by other Courts-martial before the President thereof, who are hereby respectively authorized to administer the same; and so soon as such Oaths shall have been administered to the respective Members, the President of the Court (having himself taken the said Oath, to be administered to him by any sworn Member,) is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act for that Purpose annexed; and that no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which may require an immediate Example, and except in the *East Indies*, where such Trial may be held between the Hours of Six in the Morning and Four in the Afternoon.

Proceedings of  
Courts-martial.

IX. And whereas it may be expedient in many Cases that Officers of the Land Forces should be associated with Royal Marine Officers for the Purpose of holding Courts-martial; be it enacted, That when and as often as it shall be deemed necessary it shall and may be lawful for Officers of Royal Marines and of the Land Forces to sit in conjunction on any Court-martial to be held under the Authority of this Act, and to proceed on the Trial of any Marine Officer, Non-commissioned Officer, Drummer, or Private Man, in like Manner to all Intents and Purposes as if such Court-martial were composed of Marine Officers only, and whether the Officer by whose Order such Court-martial is assembled belong to the Land or the Marine Forces; and the

Officers of the  
Marine and  
Land Forces  
may sit in con-  
junction on  
Courts-martial.

Officers

Officers composing such Court shall in such Cases take Rank according to the Seniority of their Commissions in either Service.

General Courts-martial may sentence Offenders to Imprisonment, &c.

X. And be it enacted, That a General Court-martial may sentence any Marine to Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which the Court may appoint, or to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and a General Court-martial may, in addition to any such Punishment as aforesaid, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge; and whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may, instead of awarding a Corporal Punishment or Imprisonment, adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or to General Service as a Soldier in any Corps and in any Country or Place which His Majesty shall be pleased to direct, or if such Offender shall have enlisted for any limited Term, may sentence him to serve for Life as a Soldier in any Corps which His Majesty shall be pleased to direct; and such Court may, in addition to any other Punishment, sentence any such Offender to forfeit all Advantage as to Increase of Pay, or as to Pension on Discharge, which might otherwise have accrued to such Offender: Provided always, that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for His Majesty, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as to His Majesty shall seem meet; and if any Person who shall have been so adjudged or ordered to be transported, whether by the Sentence of a Court-martial or in pursuance of such Order of His Majesty, shall afterwards, without Licence from His Majesty or other lawful Authority, return to or be found at large in any Part of His Majesty's Dominions, either Abroad or at Home, other than the Place to which he shall have been adjudged or ordered to be transported, before the Expiration of the Term limited by such Sentence or Order, any such Offender, being duly convicted thereof, shall suffer Death as a Felon.

District or Garrison Courts-martial.

XI. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, *Africa*, and *New South Wales*, where it may consist of not less than Five Commissioned Officers; and that it shall be lawful for such Court, although assembled under the Authority of an Act of the present Session of Parliament for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, to proceed to try any Marine or Marines below the Rank of a Commissioned Officer for any Offence committed by any of them while serving in conjunction with His Majesty's Land Forces, and to sentence any such Marine to any Imprisonment, solitary or otherwise, and with or without hard Labour, in any public Prison or other Place which such Court may appoint, or to Corporal Punishment not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; and such Court may, in addition to either of the

the said Punishments, sentence a Marine to Forfeiture of all Advantage as to additional Pay, and to Pension on Discharge, for disgraceful Conduct in wilfully maiming or injuring himself, or any other Marine at the Instance of such Marine, with Intent to render himself or such other Marine unfit for the Service; in tampering with his Eyes; in malingering, feigning Disease, absenting himself from Hospital while under Medical Care, or other gross Violation of the Rules of any Hospital, thereby wilfully producing or aggravating Disease or Infirmary, or wilfully delaying his Cure; in purloining or selling Government Stores; in stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military or Divisional or Regimental Mess; in producing false or fraudulent Accounts or Returns; in embezzling or fraudulently misapplying Public Money intrusted to him; or for any other disgraceful Conduct, being of a cruel, indecent, unnatural, felonious, or fraudulent Nature; and such Offender may be further put under Stoppages, not exceeding Two Thirds of his daily Pay, until the Amount be made good of any Loss or Damage arising out of his Misconduct; and if any Marine shall be convicted of any such disgraceful Conduct, and shall be sentenced to Forfeiture of his Claim to Pension, the Court may further recommend him to be discharged with Ignominy from His Majesty's Service; and any such Court shall deprive a Marine, if convicted of the Charge of habitual Drunkenness, of his Liquor when issued in Kind or of his Allowance in lieu of Beer or Liquor, or of additional Pay, or of such Portion of his daily Pay, for any Period not exceeding Two Years, as may accord with the Rules and Articles of War, subject to Restoration on subsequent good Conduct; and in addition to any such Punishment, the Court may, if it shall think fit, sentence such Offender to Imprisonment or to Corporal Punishment; provided that in all the foregoing Cases the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in command of the District, Garrison, Island, or Colony; and the President of every Court-martial other than a General Court-martial, not being under the Rank of Captain, shall be appointed by the Officer convening such Court-martial: Provided always, that such Court-martial shall not have Power to pass any Sentence of Death or Transportation.

XII. And be it enacted, That in Cases of Mutiny and gross Insubordination, or any Offences committed on the Line of March, the Offence may be tried by a Divisional Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award; and a Divisional Court-martial may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Thirty Days, and to solitary Confinement not exceeding Twenty Days.

Divisional  
Courts-martial.

XIII. And be it enacted, That it shall be lawful for any Officer commanding any distinct Detachment or Portion of His Majesty's Royal Marine Forces which may at any Time be serving out of His Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause

Detachment  
Courts-martial.



to be assembled a Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided that no Sentence of any such Court-martial shall be executed until the General commanding in chief the Army of which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Marking a  
Deserter.

XIV. And be it enacted, That every Marine convicted of Desertion by any Court-martial, or of Felony in any Court of Criminal Judicature, shall thereupon forfeit all Advantage as to additional Pay, and to Pension on Discharge, in addition to any other Punishment which such Court may award; and it shall be lawful for any General Court-martial assembled to try the Crime of Desertion, in addition to any other Punishment such Court may award, to direct that the Offender be marked on the Left Side, Two Inches below the Arm Pit, with the Letter D, such Letter not to be less than Half an Inch long, and to be marked on the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Trial and  
Punishment for  
Embezzlement.

XV. And be it enacted, That every Officer and other Person employed in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to His Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, or cause to be embezzled or fraudulently misapplied, or shall wilfully suffer any Money, Provisions, Forage, Arms, Clothes, Ammunition, or other Military or Royal Marine Stores to be embezzled or fraudulently misapplied, or to be spoiled or damaged, may be tried for the same by a General Court-martial, which is hereby empowered to adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from His Majesty's Service, with Incapacity of serving His Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and that such Person shall, in addition to any other Punishment, make good at his own Expence the Loss and Damage thereby sustained, to be ascertained by such Court-martial, which shall have Power to sentence the Offender to be imprisoned until the same, and any Fine which may be imposed, be paid and satisfied to His Majesty.

Witnesses.

XVI. And be it enacted, That all Witnesses, whether Military or otherwise, duly summoned by the Judge Advocate, or the Person appointed to officiate as such, or by the President of a District, Garrison, or Divisional Court-martial, or by the Adjutant at the Head Quarters of the Division at which such Court shall be appointed to be held, to give Evidence on any Court-martial, shall, during their necessary Attendance in such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if nevertheless arrested contrary to the Intent of this Act, be forthwith discharged out of Custody by the Order of the Court out of which the Writ or Process for such Arrest was issued; and if such Court shall not be then sitting, then by the Order of any Judge of the

the Court of King's Bench at *Westminster* or *Dublin*, or of the Courts of Session in *Scotland*, or Courts of Law elsewhere, as the Case may require, upon its being made appear to such Court or Judge, by Affidavit in a summary Way, that such Witness was arrested in going to or returning from or attending such Court-martial; and every Person so duly summoned as a Witness who shall not attend, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence at any such Court-martial, or to answer all such Questions as the Court may legally demand of him, shall be liable to be attached, proceeded against, and punished in the Court of King's Bench at *Westminster* or *Dublin*, or Court of Session or other Court of Law, or elsewhere, in the same Manner as Persons disobeying the Subpœna to testify, or any similar Process of such Courts, are liable to be proceeded against and punished.

XVII. And be it enacted, That whenever His Majesty shall intend any Sentence of Transportation to be carried into execution, or shall be graciously pleased to extend His Royal Mercy, upon Condition of Transportation, to any Offender subject to the Punishment of Death by the Sentence of a General Court-martial, such Sentence (together with His Majesty's Pleasure upon the same, in Cases of Commutation of Sentence,) shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the King's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon the same as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Execution of the same, as they would be if the same had been made under the Authority of any other Act of Parliament; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons convicted of any Crime, and sentenced to be transported, or receiving His Majesty's Pardon on Condition of Transportation; and from the Time when such Order of Transportation shall be made every Law and Statute now in force touching the Escape of Felons shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall

Transportation  
of Offenders.

direct the Notification of His Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of King's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or in His Majesty's Behalf, shewing the Christian and Surname of such Offender, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

Imprisonment  
of Offenders.

XVIII. And be it enacted, That in all Cases of any Person belonging to the Royal Marine Forces being sentenced by any General or other Court-martial to Imprisonment in any House of Correction, Common Gaol, or Public Prison, the Gaolers and Keepers of such Houses of Correction, Gaols, or Prisons respectively shall receive into their Custody every such Person, upon receiving an Order in Writing for that Purpose from the Commanding Officer of the Division at which such Court-martial shall have been held, together with a Copy of the Sentence attested by the said Commanding Officer, and shall detain him in Confinement in the Manner and for the Period mentioned in such Sentence, or until he be duly discharged, or shall deliver him up to such Person producing an Order in Writing to that Effect from any such Commanding Officer, although the Period for which he was committed shall not have expired; and every such Gaoler or Keeper refusing or neglecting to receive and confine any such Person, pursuant to such Sentence, or to discharge him upon any such Order, shall, on being convicted thereof, forfeit for every such Offence the Sum of One hundred Pounds.

Place of Con-  
finement of  
Offenders may  
be changed.

XIX. And be it enacted, That whenever it shall be deemed expedient it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, by any Order in Writing to be made for that Purpose, under the Hand of the said Lord High Admiral, or the Hands of Two or more of the Commissioners aforesaid, and the Seal of the Office of Admiralty, to change the Place of Confinement expressed in any Sentence of a Court-martial to be held under the Authority of this Act, either previous to the Commitment of the Offender or under any such Sentence, or at any Time during the Period of his Confinement, and so from Time to Time as often as it shall be deemed requisite; and the Gaoler or other Person having the Custody of such Offender shall, immediately on the Receipt of any such Order, remove and convey such Offender to the Gaol, Prison, or House of Correction mentioned in the said Order so to be made as aforesaid (for the Charges of which Removal and Conveyance he shall be allowed a Sum not exceeding One Shilling *per* Mile); and every Gaoler or Keeper of such last-mentioned Gaol or House of Correction shall thereupon, and upon being furnished with a Copy of the Sentence of Confinement, and of such Order of Removal, (such Copies respectively to be attested by

by the Secretary of the Admiralty for the Time being,) receive into his Custody and shall confine, pursuant to such Sentence, every such Offender, under the like Penalty and Forfeiture, in case of Refusal or Neglect, as is lastly herein-before provided.

XX. And be it enacted, That all Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on Shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may during the Continuance of this Act be inquired of and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape, and come or be brought into this Realm, before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

XXI. And be it enacted, That no Person who shall have been acquitted or convicted of any Offence at any Court-martial shall be liable to be tried a Second Time for the same Offence, except in the Case of an Appeal from a Divisional to a General Court-martial; and that no Sentence of any Court-martial, signed by the President thereof, shall be liable to be revised more than once; and no Witness shall be examined nor shall any additional Evidence be received by the Court on such Revision.

XXII. And be it enacted, That no Marine shall be entitled to receive Pay for any Period during which he shall have been absent, without due Authority, from his Duty in His Majesty's Service; and that every Non-commissioned Officer, Drummer, or Private Marine who shall, by the Sentence of any Court of Law or Court-martial, or by the Warrant of a Justice of the Peace, be committed to Prison, or who shall be confined for Debt, shall forfeit all Right to any Pay from the Day of his Arrest during the Time of his Imprisonment; and the Gaoler or other Person in whose Custody he shall be shall receive the Sum of Sixpence *per Diem* out of the Pay of such Non-commissioned Officer or Private Marine, to be applied for his Subsistence during the Time he shall continue in Custody; which said Sum shall, under the Authority of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, be paid to the said Gaoler, upon the Application in Writing made to the Secretary of the Admiralty by any Justice for the County or Place in which such Gaol shall be situate, accompanied by a Copy of the Order under

Offenders against former Mutiny Acts may be tried under this Act.

Limitation as to Time.

Appeal.

Revision of Sentence.

Forfeiture of Pay.

Subsistence of Offenders while in Custody.

Arrears of Pay.

which the Prisoner is confined: Provided always, that it shall be lawful for the said Lord High Admiral, or the said Commissioners, for the Time being, if they shall think fit, to order the Issue and Payment of any Arrears of Pay, or of the Surplus of such Pay, or any Portion thereof, to or on account of such Marine, during or after the Expiration of the Period of his Imprisonment: Provided also, that in case such Imprisonment shall be in any Place of Military Confinement, then the like Allowance of Sixpence *per* Day for Subsistence shall be made to the Marine so imprisoned, in lieu of all Pay or other Allowances: Provided also, that in the Calculation of the Period to entitle a Marine to Pension, or increased Rate of Pay for Service, no Part of the Time during which he may have been imprisoned shall be included.

Pay of Com-  
missioned  
Officers charged  
with Criminal  
Offences.

XXIII. And be it enacted, That no Commissioned Officer who shall be arrested and committed to Prison upon a Charge of any Criminal Offence shall receive any Part of his Pay from the Day of such Commitment till the Day of his Return to the Company to which he shall belong or which he shall be ordered to join; and if he shall be acquitted of the Offence for which he was committed, he shall, upon his Return to his Company, with the Approbation of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, but not otherwise, be entitled to receive all Arrears of Pay which were growing due during the Time of his Confinement; but if he shall be convicted, he shall forfeit all Right to any Pay from the Day of his Commitment until the Day of his Return to the Company to which he shall belong, or which he shall be ordered to join.

Report of  
Proceedings of  
Courts-martial.

XXIV. And be it enacted, That every Judge Advocate or Person officiating as such at any General Court-martial, or the President of any other Court-martial, shall transmit, with all reasonable Expedition, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and that the Person tried by any General Court-martial shall, upon Application to the Secretary of the Admiralty, be entitled, at any Time after the Expiration of Three Calendar Months from the Date of such Sentence, but not sooner, whether such Sentence be approved or not, to a Copy of the Proceedings and Sentence, upon paying reasonably for the same, according to the Length thereof; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

Subsequent  
Enlistment no  
Protection from  
Punishment for  
Desertion.

XXV. And be it enacted, That every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from His Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence as an Aggravation of the Crime for which he shall be under Trial; and in like Manner, in the

the Case of any Marine tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall be received in any Case until after the Court shall have found the Prisoner guilty of the Offence for which he shall be so under Trial, and then only for the Purpose of fixing Punishment; and provided that in all Cases previous Notice shall have been given to the Offender of the Intention to produce such Evidence upon his Trial; and provided also, that before such Evidence shall be received it shall be shown to the Satisfaction of the Court that such Notice had been duly given to him, and the Court shall in no Case award to him any greater or other Punishment than may by this Act or by the Articles of War be awarded for the Crime for which he shall be under Trial.

XXVI. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with, then for any Officer, Marine, or other Soldier in His Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if, by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Marine unlawfully absent from his Duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient public Prison in the same or any next adjoining County, and shall transmit an Account thereof, in the Form prescribed for that Purpose in the Schedule annexed to this Act, to the Secretary of the Admiralty, with a Description of the Person of such Deserter, and the Name of the Division to which he shall belong, and also certifying the Names of the Persons by whom the Deserter was apprehended; and if the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall be satisfied such last-mentioned Persons are justly entitled to a Reward for such Apprehension, the said Secretary shall in return transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Persons so certified to be entitled thereto; which Reward shall be paid and charged against the Pay and Subsistence of any such Deserter, and stopped out of the same: Provided always, that no Fee, or Reward shall be taken by any Justice or his Clerk in respect of any Information, Commitment, or Report in the Case of any such Deserter.

Apprehension  
of Deserters.

XXVII. And be it enacted, That every Person who shall voluntarily surrender or deliver himself up as a Deserter from His Majesty's Royal Marine Forces, or who, upon being apprehended on any Charge, shall, in the Presence of the Justice, confess himself to be a Deserter from such Forces, shall be deemed to have been duly enlisted, and to be a Marine, and shall be liable to serve in the said Forces, whether he shall have been ever actually enlisted as a Marine or not; and if the Person so confessing himself to be a Deserter shall at the Time actually belong to the Royal Marine Forces, he shall be deemed to be and shall be dealt with as a Deserter, or shall be liable to be punished as a Rogue and

Fraudulent  
Confession of  
Desertion.

**Arrears of Pay.** which the Prisoner is confined: Provided always, that it shall be lawful for the said Lord High Admiral, or the said Commissioners, for the Time being, if they shall think fit, to order the Issue and Payment of any Arrears of Pay, or of the Surplus of such Pay, or any Portion thereof, to or on account of such Marine, during or after the Expiration of the Period of his Imprisonment: Provided also, that in case such Imprisonment shall be in any Place of Military Confinement, then the like Allowance of Sixpence *per* Day for Subsistence shall be made to the Marine so imprisoned, in lieu of all Pay or other Allowances: Provided also, that in the Calculation of the Period to entitle a Marine to Pension, or increased Rate of Pay for Service, no Part of the Time during which he may have been imprisoned shall be included.

**Pay of Commissioned Officers charged with Criminal Offences.**

XXIII. And be it enacted, That no Commissioned Officer who shall be arrested and committed to Prison upon a Charge of any Criminal Offence shall receive any Part of his Pay from the Day of such Commitment till the Day of his Return to the Company to which he shall belong or which he shall be ordered to join; and if he shall be acquitted of the Offence for which he was committed, he shall, upon his Return to his Company, with the Approbation of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, but not otherwise, be entitled to receive all Arrears of Pay which were growing due during the Time of his Confinement; but if he shall be convicted, he shall forfeit all Right to any Pay from the Day of his Commitment until the Day of his Return to the Company to which he shall belong, or which he shall be ordered to join.

**Report of Proceedings of Courts-martial.**

XXIV. And be it enacted, That every Judge Advocate or Person officiating as such at any General Court-martial, or the President of any other Court-martial, shall transmit, with all reasonable Expedition, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and that the Person tried by any General Court-martial shall, upon Application to the Secretary of the Admiralty, be entitled, at any Time after the Expiration of Three Calendar Months from the Date of such Sentence, but not sooner, whether such Sentence be approved or not, to a Copy of the Proceedings and Sentence, upon paying reasonably for the same, according to the Length thereof; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

**Subsequent Enlistment no Protection from Punishment for Desertion.**

XXV. And be it enacted, That every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from His Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and if such Person shall be claimed as a Deserter by the Corps to which he originally belonged, and be tried as a Deserter therefrom, or shall be tried as a Deserter from any other Corps into which he may have enlisted, or if he shall be tried while actually serving in some Corps for Desertion from any other Corps, every Desertion previous or subsequent to that for which he shall be under Trial, as well as every previous Conviction for any other Offence, may be given in Evidence as an Aggravation of the Crime for which he shall be under Trial; and in like Manner, in the

the Case of any Marine tried for any Offence whatever, any previous Convictions may be given in Evidence against him; provided that no such Evidence shall be received in any Case until after the Court shall have found the Prisoner guilty of the Offence for which he shall be so under Trial, and then only for the Purpose of fixing Punishment; and provided that in all Cases previous Notice shall have been given to the Offender of the Intention to produce such Evidence upon his Trial; and provided also, that before such Evidence shall be received it shall be shown to the Satisfaction of the Court that such Notice had been duly given to him, and the Court shall in no Case award to him any greater or other Punishment than may by this Act or by the Articles of War be awarded for the Crime for which he shall be under Trial.

XXVI. And be it enacted, That it shall be lawful for the Constable of any Place where any Person reasonably suspected to be a Deserter shall be found, or of any adjoining Place, and if no such Constable can be immediately met with, then for any Officer, Marine, or other Soldier in His Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and cause him to be brought before any Justice living in or near such Place, and acting for the same or any adjoining County, who hath hereby Power to examine such suspected Person; and if, by his Confession, or the Testimony of One or more Witnesses upon Oath, or by the Knowledge of such Justice, it shall appear that such suspected Person is a Marine unlawfully absent from his Duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient public Prison in the same or any next adjoining County, and shall transmit an Account thereof, in the Form prescribed for that Purpose in the Schedule annexed to this Act, to the Secretary of the Admiralty, with a Description of the Person of such Deserter, and the Name of the Division to which he shall belong, and also certifying the Names of the Persons by whom the Deserter was apprehended; and if the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall be satisfied such last-mentioned Persons are justly entitled to a Reward for such Apprehension, the said Secretary shall in return transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Persons so certified to be entitled thereto; which Reward shall be paid and charged against the Pay and Subsistence of any such Deserter, and stopped out of the same: Provided always, that no Fee, or Reward shall be taken by any Justice or his Clerk in respect of any Information, Commitment, or Report in the Case of any such Deserter.

Apprehension  
of Deserters.

XXVII. And be it enacted, That every Person who shall voluntarily surrender or deliver himself up as a Deserter from His Majesty's Royal Marine Forces, or who, upon being apprehended on any Charge, shall, in the Presence of the Justice, confess himself to be a Deserter from such Forces, shall be deemed to have been duly enlisted, and to be a Marine, and shall be liable to serve in the said Forces, whether he shall have been ever actually enlisted as a Marine or not; and if the Person so confessing himself to be a Deserter shall at the Time actually belong to the Royal Marine Forces, he shall be deemed to be and shall be dealt with as a Deserter, or shall be liable to be punished as a Rogue and

Fraudulent  
Confession of  
Desertion.



Vagabond, or may be prosecuted and punished for obtaining Money under false Pretences; and the Confession and receiving Subsistence as a Marine by such Person shall be sufficient Evidence of the false Pretence and obtaining Money.

Reward for apprehending Marines attempting to desert.

XXVIII. ' And whereas it has been judged expedient, for the ' Prevention of Desertion, to establish Outlying Parties in the ' Vicinity of the respective Divisions of Royal Marines for the ' Purpose of intercepting such Men as may straggle or attempt ' to desert from Head Quarters, and it is fit that Encouragement ' should be given to Persons composing such Parties to be diligent ' and active in their Duty in this Behalf;' be it therefore enacted, That for and in respect of every Non-commissioned Officer or Private Marine so straggling or attempting to desert, who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings to be paid upon the delivering up of such Marine; which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Non-commissioned Officer and Private Marine, in like Manner as the Reward or Sum of Twenty Shillings is herein-before directed to be charged against, stopped, and retained out of the Pay and Subsistence of every Deserter.

Penalty for inducing or assisting to desert.

XXIX. And be it enacted, That every Person who shall in any Part of His Majesty's Dominions directly or indirectly persuade any Marine to desert shall suffer such Punishment by Fine or Imprisonment, or both, as the Court before which the Conviction may take place shall adjudge; and every Person who shall assist any Deserter from His Majesty's Royal Marine Service in deserting or in concealing himself from such Service, knowing him to be such Deserter, shall forfeit for every such Offence the Sum of Twenty Pounds.

Custody and Subsistence of Deserters.

XXX. And be it enacted, That the Gaoler or other Person having the immediate Inspection of any Prison, Gaol, or House of Correction shall diet and supply every Marine in his Custody with Fuel and other Necessaries according to the Regulations of the Prison to which he shall be so committed, and shall receive on account of every such Marine, during his Imprisonment, Sixpence *per Diem* for his Subsistence, to be issued out of the Pay of such Marine, upon Application in Writing signed by any Justice within whose Jurisdiction such Prison shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expence of such Prison is defrayed; and all Gaolers and Keepers of Prisons shall and they are hereby authorized and required to receive and confine every Deserter from the Royal Marines who shall be delivered into their Charge by any Officer, Soldier, or Marine conveying any such Deserter under lawful Authority, on the Production of the Warrant or Authority on which such Deserter shall have been taken or detained; and every Gaoler or Keeper so receiving a Deserter shall be entitled to One Shilling for the safe Custody of him, while halted on the March, and to such daily Subsistence as is herein-before provided for the Maintenance of Marines confined under any Sentence or otherwise.

Notice of Expiration of Imprisonment.

XXXI. And be it enacted, That every Gaoler, having Notice that any Person in his Custody is a Marine liable to serve His Majesty,

Majesty, shall, previous to the Expiration of the Period of the Imprisonment of such Marine, give One Month's Notice, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof, to the Secretary of the Admiralty.

XXXII. And be it enacted, That every Marine Officer who shall, without Warrant from One or more of His Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

Penalty for forcible Entry.

XXXIII. And be it enacted, That every Person who shall receive Enlisting Money to serve in the Royal Marines from any Person employed in the Recruiting Service, he being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in His Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall cause to be taken down in Writing the Name and Place of Abode of such Recruit; and when any Person shall be enlisted as a Marine, he shall, within Four Days, any intervening *Sunday* not included, but not sooner than Twenty-four Hours after such Enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice residing in the Vicinity of the Place, and acting for the Division or District where such Recruit shall have been enlisted, and not being an Officer in the Marines; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to cause the Answers so recorded in Writing, and the Third, Fourth, and Fifth Articles of the Second Section of the Articles of War against Mutiny, and the First Article of the Third Section of the said Articles of War against Desertion, to be read over in his own Presence to such Recruit, and to administer to such Recruit the Oath in the Schedule to this Act annexed for limited or unlimited Service, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths, any thing in any Acts to the contrary notwithstanding; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Officer or Non-commissioned Officer with whom he enlisted to detain and confine such Person until he shall take the said Oath of Fidelity.

Enlisting and swearing of Recruits.

XXXIV. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to his Enlistment, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect,

Dissent and Relief from Enlistment.

neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice; and it shall also be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, provided it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and paid to any Person belonging to the Recruiting Party entitled thereto, and demanding the same: Provided always, that no Recruit who has actually though erroneously been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that Account to be proceeded against as having deserted from His Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate, under his Hand, specifying the Cause thereof.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

XXXV. And be it enacted, That any Person duly bound as an Apprentice, who shall enlist into His Majesty's Royal Marine Forces, and shall state to the Magistrate before whom he shall be attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences, and shall, after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Marine, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits may be taken as a Deserter from His Majesty's Royal Marine Forces.

Punishment of Apprentices enlisting.

XXXVI. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of His Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to and a Copy left with the Officer under whose Command the Apprentice shall then be, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer, shall commit the Offender to the Common Gaol of the said Place where the Apprentice shall be apprehended, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or next succeeding General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner

Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; and any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master: Provided always, that every Apprentice who shall enlist into the Royal Marines during the Period of his Apprenticeship shall be deemed guilty of a Misdemeanor, and upon Conviction be liable to the same Punishment as Offenders convicted of obtaining Money under false Pretences are liable to; and every such Apprentice shall, after the Expiration of his Apprenticeship, whether he shall have been prosecuted or not, be liable to serve in His Majesty's Royal Marine Forces; and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, he may be apprehended as a Deserter from His Majesty's Marine Forces.

XXXVII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Private in His Majesty's Royal Marine Forces, as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit was disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce, to the Justice before whom the Recruit ought regularly to have been brought for Attestation, a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the Event of such Recruit being afterwards apprehended and reported as a Deserter, the Fact of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he shall be finally adjudged to be a Deserter; and any Recruit who shall enlist into His Majesty's Royal Marine Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit before the Justice at the Time of his Attestation, and mentioned therein, may be transferred into a Garrison or Veteran or Invalid Battalion, and shall be entitled to receive such Proportion or Residue of Bounty only as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, any Act or any Rules and Regulations to the contrary

Offences connected with Enlistment.

contrary notwithstanding; and it shall be lawful for any Two Justices before whom any Recruit shall be brought, and who shall be proved upon Oath before them to have wilfully concealed his having been a Marine or Soldier and discharged, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmary upon being attested, or designedly made any false Representation, to adjudge such Person to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law now in force may be inflicted on Rogues and Vagabonds and Vagrants and incorrigible Rogues; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall thereby obtain any Enlisting Money, or any Bounty for entering into His Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act, intituled *An Act for consolidating and amending the Laws in England relative to Larceny and other Offences connected therewith*; and if in *Ireland*, of an Act, passed in the Ninth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith*; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in His Majesty's Service, or to His Majesty's Navy or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and any Man who, having been enrolled to serve in the Militia, and who at the Time of offering to enlist into the Marines shall deny that he is a Militia Man, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the before-mentioned Declaration of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable; and shall, from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Division of His Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in His Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter

7 &amp; 8 G. 4. c. 29.

9 G. 4. c. 55.

from the Marines if he shall neglect or refuse to join and serve therein.

XXXVIII. And be it enacted, That it shall be lawful for the Justice before whom any Recruit (being a hired Servant) shall be attested, before the Expiration of the Term of Service for which he shall have been hired, to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he shall have actually served, to be forthwith paid by the Master, upon whom the said Justice shall make an Order accordingly, and if the same be not paid within Four Days shall enforce the Payment thereof by the same Means as pecuniary Penalties may under this Act be recovered before a Justice.

Yearly Servants enlisting to be entitled to a Proportion of their Wages.

XXXIX. And be it enacted, That every Marine Officer who shall designedly act contrary to the Provisions of this Act, in any respect regarding the enlisting and attesting of Recruits for His Majesty's Service, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in His Majesty's Service.

Penalty on Officers offending as to Enlistment.

XL. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Marine in His Majesty's Service, unless such Master shall, within One Calender Month next after such Apprentice shall have left his Service, go before some Justice, and take and subscribe the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen when so bound,) and, if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract of Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture so duly executed shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County wherein the Parties reside, and there shall have been indorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to indorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; and any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide

Claims of Masters to Apprentices.

provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Musters, and  
Penalty on false  
Musters.

XLI. And be it enacted, That Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to His Majesty's Service who shall give or procure to be given any untrue Certificate, thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be forthwith cashiered, and disabled to have or hold any Civil or Military Office or Employment in the Service of His Majesty; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belong to His Majesty's Service, shall, if he demand it, be forthwith discharged; and if any Person not belonging to His Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise, in order to excuse any Officer or Marine from Appearance at any Muster, or whereby His Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

Verifying of  
Muster Rolls.

XLII. And be it enacted, That all Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Extension of  
Furlough in  
case of Sickness.

XLIII. And be it enacted, That when there shall not be any Officer of His Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice, who shall be satisfied of such Necessity, to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter; provided that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment, according to the Provision of this Act, for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of

Discipline committed by him in applying for and obtaining the said Extension of Furlough.

XLIV. And be it enacted, That every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Marching  
Money on  
Discharge.

XLV. ' And whereas there is and may be Occasion for the ' marching and also for the quartering of the Royal Marine Forces ' when on shore; ' be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, it shall be lawful for all Constables and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines whether marching or otherwise, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, (not exceeding for each Officer the Number for which Forage is allowed by His Majesty's Regulations,) in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished with proper Accommodation in such Houses, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Times when Marines are on a March shall any of them be billeted above One Mile from the Place mentioned in the Route; and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in one and the same House, except in case of Necessity, and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situate: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs, when the Constable of the adjoining County shall be present, and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices, within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the  
Marines

Billeting of  
Marines.



Marines to be removed and to be billeted upon other Persons, as they shall see Cause; and when any Horses belonging to the Officers of His Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge the District within which Billets shall be required, in such Manner as shall appear to be most convenient to His Majesty's Service: Provided always, that to prevent or punish all Abuses in billeting Marines, it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*: Provided always, that no Justice, being an Officer of Royal Marines, shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

Allowance to  
Innkeepers.

XLVI. And be it enacted, That the Innholder or other Person on whom any Marine is billeted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by His Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder, or other Person furnishing the same, shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Marines may be billeted in *England* (except on the March, when they are entitled to be furnished with the hot Meal as aforesaid,) shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Halfpenny *per Diem* for each Marine; and the

the Sum to be paid the Innholder or other Person on whom any of the Horses belonging to His Majesty's Royal Marine Forces shall be billeted, in *England*, for Hay and Straw, shall be Ten-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billeted, by virtue of this Act, shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland*; and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billeted, the Sum of Four-pence *per Week* for each Horse shall be paid; and every Officer to whom it belongs to receive or who shall actually receive the Pay and Subsistence of the said Men shall every Four Days, or before they shall quit their Quarters, if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same, then upon Complaint, and Oath made thereof by any Two Witnesses, at the next Quarter Session for the County or City where such Quarters are situate, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to the Complainant, to order Payment of the Amount, which shall be charged against such Officer; and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of the Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the Officer's Account.

XLVII. And be it enacted, That for the regular Provision of Carriages for the Royal Marine Forces and their Baggage, on their Marches in *England* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, shall, on the Production of such Order to them, or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Number of Miles between the Places, for which only so specified Payment shall be demanded, and which Number of Miles shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having

Supply of  
Carriages.

Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of proceeding, supply the Deficiency; and in order that the Burthen of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Rates for  
Carriages.

XLVIII. And be it enacted, That the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England*, for their respective Districts; and the Order of such Justices at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions, (and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and one other Justice, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof;) and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates of Compensation shall be granted, the Justice shall insert, in his own Hand, in the Warrant, the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall

shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car, and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expence of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of His Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Ninepence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained.

XLIX. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, but not when passing in any private or hired Vehicle, and all Carriages and Horses, when employed in conveying Persons or Baggage under the Provisions of this Act, or returning therefrom, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine, who shall be in proper Uniform, Dress or Undress, and who by this Act is exempted from Payment thereof, such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March to pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

L. And be it enacted, That if any Constable or other Person, who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom, shall presume to billet any such Officer or Marine in any House not within the

Exemption  
from Tolls.

Penalties upon  
Civil Subjects  
offending  
against the  
Laws relating

to Billets and Carriages.

Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person appointed by such Constable to provide Carriages, Horses, or Vessels shall do any Act or Thing by which the Execution of such Warrants shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive and to afford proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by His Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty upon Officers of Marines so offending.

LI. And be it enacted, That if any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do any thing contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in His Majesty's Service; provided a Certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House, against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return Home on the same Day, if it be practicable, except

in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds or less than Forty Shillings.

LII. And be it enacted, That any Person who shall unlawfully have in his or her Possession or Keeping, or who shall knowingly detain, buy, or exchange, or otherwise receive, any Arms, Ammunition, Clothes, Cap, or other Military Furniture or Appointments, from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, Sheets, or other Articles belonging to any Marine or Marine Deserter, which are generally deemed Regimental Necessaries, according to the Custom of the Royal Marine Corps, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence the Sum of Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any credible Person shall prove on Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description hereinbefore described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property as in the Case of stolen Goods.

LIII. And for the better Preservation of the Game and Fish in or near such Place where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, and who upon Complaint thereof shall be, upon Oath of One or more credible Witness or Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

LIV. And be it enacted, That no Officer of His Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish Poor Child bound Apprentice to him.

LV. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his

Penalty for purchasing Clothes, &c. from any Marine.

Penalty on Officers killing Game.

Officers not liable to take Parish Apprentices.

Mode of recording a Marine's Settlement.

Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Administration  
of Oaths.

Perjury.

LVI. And be it enacted, That all Oaths which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath in any Case wherein an Oath is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Licences of  
Canteens.

LVII. And be it enacted, That it shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Limitation of  
Actions.

LVIII. And be it enacted, That if any Action shall be brought against any Member or Minister of a Court-martial to be assembled under the Authority of this Act, in respect of the Proceedings or the Sentence thereof, or against any other Person for any thing done in pursuance or under the Authority of this Act, the same shall be brought in some one of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and that it shall be lawful for the Defendant or Defendants therein to plead thereto the General Issue, and to give all special Matter in Evidence on the Trial; and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become Nonsuit, or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

LIX. And

LIX. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value and Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value and Treble Value shall and may be recovered, in any Part of the United Kingdom, before One or more Justices of the Peace, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty King George the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others*; and by another Act, passed in the Fifth Year of the Reign of His said late Majesty, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, and for facilitating the Execution of Warrants by Constables*: Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Months; which said recited Acts shall be used and applied in *Scotland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Acts had extended to *Scotland*, any thing in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British Isles*, or in any of His Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of the Part of His Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of His Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of His Majesty's Dominions.

Recovery of Penalties.

3 G. 4. c. 23.

5 G. 4. c. 18.

LX. And be it enacted, That one Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days thereafter at the furthest, report the same and his Adjudication thereof to the Secretary of the Admiralty.

Appropriation of Penalties.

LXI. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed*; and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and

Definition of Terms.

Regu-



Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, who shall act in the Execution of this Act; and all Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul, duly credited as such.

Notification to Parishes of good or bad Conduct of Marines.

LXII. And be it enacted, That the Churchwardens of every Parish in *England*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received His Majesty's special Approbation, or who in consequence of Misconduct has been dismissed His Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Marines to be subject to the Discipline of the Navy while on board Ship.

LXIII. And it is hereby declared and enacted, That all His Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of His Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of His Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them while so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished: Provided always, that if any Marine Officer or Marine so borne on the Books of any of His Majesty's Ships shall commit on shore any Offence against due Order and Discipline, and for which he shall not be amenable to a Naval Court-martial or to Naval Discipline, he shall be tried and punished for the same in the same Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

LXIV. And be it enacted, That this Act shall continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and thirty-five until the Twenty-fifth Day of *April* One thousand eight hundred and thirty-six inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and thirty-five until the First Day of *May* One thousand eight hundred and thirty-six inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and thirty-five until the Twenty-fifth Day of *July* One thousand eight hundred and thirty-six inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America* and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and thirty-five to the Twenty-fifth Day of *September* One thousand eight hundred and thirty-six inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and thirty-five to the Twenty-fifth Day of *November* One thousand eight hundred and thirty-six inclusive.

Duration of Act.

LXV. And be it enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Alteration of Act.

### SCHEDULE to which this Act refers.

#### FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you.

So help you GOD.

I do swear, That I will truly administer Justice, according to the Rules and Articles for the better Government of His Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

#### FORM of OATH of JUDGE ADVOCATE.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

QUESTIONS

**QUESTIONS to be separately put by the JUSTICE to a RECRUIT.**

1. What is your Name ?
2. In what Parish, and in or near what Town, and in what County, were you born ?
3. What is your Age ?
4. What is your Trade or Calling ?
5. Are you an Apprentice ?
6. Are you married ?
7. Are you ruptured or lame ; have you ever been subject to Fits ; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour ?
8. Are you willing to be attested to serve in the Royal Marine Forces until you shall be legally discharged ?
9. On what Day and by whom were you enlisted ?
10. For what Bounty did you enlist ?
11. Do you now belong to the Militia ?
12. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy ?
13. Have you served in the Army, Marines, Ordnance, or Navy ?

*Note.*—The Justice is directed, in putting the Eleventh Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

**OATH to be taken by a RECRUIT enlisting.**

**I** do make Oath, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to His Majesty, His Heirs and Successors ; and that I will, as in Duty bound, honestly and faithfully defend His Majesty, His Heirs and Successors, in Person, Crown, and Dignity, against all Enemies ; and will observe and obey all Orders of His Majesty, His Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand		<table border="0" style="width: 100%;"> <tr> <td style="font-size: 2em;">}</td> <td>Signature of the Recruit.</td> </tr> <tr> <td colspan="2" style="text-align: center;">Witness present.</td> </tr> </table>	}	Signature of the Recruit.	Witness present.	
}	Signature of the Recruit.					
Witness present.						
Sworn before me at	this	Day				
of	One thousand eight hundred and	}				
and		Signature of the Justice.				

**CERTIFICATE to be given by the JUSTICE.**

*Description of*

Age apparently		
Height,	Feet	Inches.
Complexion,		
Eyes,		
Hair,		

*Any distinctive Mark.*

to wit. } I Peace of one of His Majesty's Justices of the  
do hereby certify, That the  
above is the Description of the Recruit  
and in my Presence all the foregoing Questions were put to the  
said ; that the Answers written opposite to  
them are those which he gave to me ; and that the Third, Fourth,  
and Fifth Articles of the Second Section of the Rules and Articles  
for the better Government of His Majesty's Royal Marine Forces  
while on shore, against Mutiny, and the First Article of the Third  
Section of the said Rules and Articles, against Desertion, were  
read over to him ; that he took the Oath of Allegiance and  
Fidelity ; that he received the Sum of on being  
attested this Day ; and that I have given him a Duplicate of this  
Certificate signed with my Name.

Signature of the Justice.

**FORM OF OATH to be taken by a MASTER whose Apprentice has absconded.**

I of do make Oath, That I am by  
Trade a , and that was bound to serve  
as an Apprentice to me in the said Trade, by Indenture dated the  
Day of for the Term of Years ;  
and that the said did on or about the Day  
of last abscond and quit my Service without my Consent ;  
and that to the best of my Knowledge and Belief the said  
is aged about Years. Witness my Hand at the  
Day of One thousand eight hundred and .  
Sworn before me at this  
Day of One thousand eight  
hundred and }

**FORM OF JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.**

to wit. } I one of His Majesty's Justices of the  
certify, That of  
came before me at the Day of One  
thousand eight hundred and , and made Oath that he  
was by Trade a , and that was bound to  
serve as an Apprentice to him in the said Trade, by Indenture dated  
the Day of for the Term of Years ; and  
that the said Apprentice did on or about the Day of  
abscond and quit the Service of the said without his  
Consent, and that to the best of his Knowledge and Belief the said  
Apprentice is aged about Years.

DESCRIPTION RETURN of \_\_\_\_\_ committed to Confinement at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ as a Deserter from the Royal Marines.

Age.	Size.		Complexion.	Colour of		Marks.	Probable Date of Enlistment, and in what District.	Probable Date of Deserption, and from whence.	Name, Occupation, and Address of the Person by whom apprehended.	Particulars of the Evidence upon which the Prisoner is committed.	Whether the Prisoner confessed before the Magistrates that he is a Deserter.
	Feet.	Inches.		Hair.	Eyes.						

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstances herein stated, and has declared in my Presence that he is a Deserter from the before-mentioned Corps.

\_\_\_\_\_  
*Signature and Address of Magistrate.*  
 \_\_\_\_\_  
*Signature of Prisoner.*  
 \_\_\_\_\_  
*Signature of Informer.*

\* I certify, that I have inspected the Prisoner, and consider him fit for active Service.

\_\_\_\_\_  
*Signature of Surgeon.*

\* If a Military Medical Officer be at or near the Place, he will inspect the Deserter, and report as to his Fitness for Military Service.

\* Insert "is" or "is not," as the Case may be.

## CAP. VIII.

An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits.

[12th June 1835.]

‘ **W**HEREAS by an Act passed in the Session holden in the  
 ‘ First and Second Years of the Reign of His present  
 ‘ Majesty, intituled *An Act to abolish certain Oaths and Affirma-*  
 ‘ *tions taken and made in the Customs and Excise Departments of His*  
 ‘ *Majesty’s Revenue, and to substitute Declarations in lieu thereof,*  
 ‘ and by other Enactments subsequent thereto, the Number of  
 ‘ Oaths and Affirmations required to be taken and made in those  
 ‘ Departments has been greatly diminished, and the beneficial  
 ‘ Operation of the said recited Act and such other subsequent  
 ‘ Enactments gives Ground to believe that the Number of Oaths  
 ‘ and Affirmations may with Advantage be yet further reduced in  
 ‘ those and in other Departments of the State: Be it therefore  
 enacted by the King’s most Excellent Majesty, by and with the  
 Advice and Consent of the Lords Spiritual and Temporal, and  
 Commons, in this present Parliament assembled, and by the Au-  
 thority of the same, That in any Case where, by any Act or Acts  
 made or to be made relating to the Revenues of Customs or  
 Excise, the Post Office, the Office of Stamps and Taxes, the Office  
 of Woods and Forests, Land Revenues, Works and Buildings, the  
 Army Pay Office, the Office of the Treasurer of the Navy or of  
 the Treasurer of the Ordnance, His Majesty’s Treasury, *Chelsea*  
 Hospital, *Greenwich* Hospital, the Board of Trade, or any of the  
 Offices of His Majesty’s Principal Secretaries of State, the Office  
 for auditing the Public Accounts, or any Office under the Control,  
 Direction, or Superintendence of the Lords Commissioners of His  
 Majesty’s Treasury, any Oath, solemn Affirmation, or Affidavit  
 might, but for the passing of this Act, be required to be taken or  
 made by any Person on the doing of any Act, Matter, or Thing,  
 or for the Purpose of verifying any Book, Entry, or Return, or for  
 any other Purpose whatsoever, it shall be lawful for the Lords Com-  
 missioners of His Majesty’s Treasury or any Three of them, if  
 they shall so think fit, by Writing under their Hands and Seals, to  
 substitute a Declaration to the same Effect as the Oath, solemn  
 Affirmation, or Affidavit which might but for the passing of this Act  
 be required to be taken or made; and the Person who might under  
 the Act or Acts imposing the same be required to take or make  
 such Oath, solemn Affirmation, or Affidavit shall, in Presence of  
 the Commissioners, Collector, other Officer or Person empowered  
 by such Act or Acts to administer such Oath, solemn Affirmation,  
 or Affidavit, make and subscribe such Declaration, and every such  
 Commissioner, Collector, other Officer or Person is hereby em-  
 powered and required to administer the same accordingly.

1 & 2 W. 4. c. 4.

Lords of the  
 Treasury em-  
 powered to  
 substitute a  
 Declaration  
 in lieu of an  
 Oath, &c. in  
 certain Cases.

II. And be it enacted, That when the said Lords Commissioners  
 of His Majesty’s Treasury or any Three of them shall, in any such  
 Case as herein-before mentioned, have substituted, in Writing  
 [No. 7. Price 2d.] G under

Substitution of  
 Declaration to  
 be published in  
 the Gazette

and after 21 Days from the Date thereof the Provisions of this Act to apply.

After said 21 Days no Oath to be administered in lieu of which a Declaration has been directed.

In Cases of false Declarations in Matters relating to the Customs, Excise, Stamps and Taxes, or Post Office, an additional Penalty of 100*l.* to be inflicted.

Oath of Allegiance still to be required in all Cases.

Oaths in Courts of Justice, &c. still to be taken.

Universities of Oxford and Cambridge, and other Bodies, may substitute a Declaration in lieu of an Oath.

under their Hands and Seals, a Declaration in lieu of an Oath, solemn Affirmation, or Affidavit, such Lords Commissioners shall, so soon as conveniently may be, cause a Copy of the Instrument substituting such Declaration to be inserted and published in the *London Gazette*; and from and after the Expiration of Twenty-one Days next following the Day of the Date of the Gazette wherein the Copy of such Instrument shall have been published, the Provisions of this Act shall extend and apply to each and every Case specified in such Instrument, as well and in the same Manner as if the same were specified and named in this Act.

III. And be it enacted, That after the Expiration of the said Twenty-one Days it shall not be lawful for any Commissioner, Collector, Officer, or other Person to administer or cause to be administered, or receive or cause to be received, any Oath, solemn Affirmation, or Affidavit, in the lieu of which such Declaration as aforesaid shall have been directed by the Lords Commissioners of His Majesty's Treasury to be substituted.

IV. And be it enacted, That if any Person shall make and subscribe any such Declaration as herein-before mentioned in lieu of any Oath, solemn Affirmation, or Affidavit by any Act or Acts relating to the Revenues of Customs or Excise, Stamps and Taxes, or Post Office, required to be made on the doing of any Act, Matter, or Thing, or for verifying any Book, Account, Entry, or Return, or for any Purpose whatsoever, and such Declaration shall be untrue in any Particular, the Person making the same shall, over and above every other Penalty to which such Person might under such Act or Acts or otherwise become subject, forfeit and pay One hundred Pounds, which shall be sued for, recovered, and applied in the same Manner and under the same Provisions as any Penalty imposed by any Act or Acts relating to the Revenues of Customs, Excise, Stamps and Taxes, or Post Office, respectively, may by Law be sued for, recovered, and applied.

V. Provided always, and be it enacted, That nothing in this Act contained shall extend or apply to the Oath of Allegiance in any Case in which the same now is or may be required to be taken by any Person who may be appointed to any Office, but that such Oath of Allegiance shall continue to be required, and shall be administered and taken, as well and in the same Manner as if this Act had not been passed.

VI. Provided also, and be it enacted, That nothing in this Act contained shall extend or apply to any Oath, solemn Affirmation, or Affidavit which now is or hereafter may be made or taken, or be required to be made or taken, in any Judicial Proceeding in any Court of Justice, or in any Proceeding for or by way of summary Conviction before any Justice or Justices of the Peace, but all such Oaths, Affirmations, and Affidavits shall continue to be required, and to be administered, taken, and made, as well and in the same Manner as if this Act had not been passed.

VII. And be it enacted, That it shall be lawful for the Universities of *Oxford* and *Cambridge*, and for all other Bodies Corporate and Politic, and for all Bodies now by Law or Statute, or by any valid Usage, authorized to administer or receive any Oath, solemn Affirmation, or Affidavit, to make Statutes, Bye Laws, or Orders authorizing and directing the Substitution of a Declaration in lieu of any

Oath, solemn Affirmation, or Affidavit now required to be taken or made: Provided always, that such Statutes, Bye Laws, or Orders be otherwise duly made and passed according to the Charter, Laws, or Regulations of the particular University, other Body Corporate and Politic, or other Body so authorized as aforesaid.

VIII. ' And whereas Persons serving the Offices of Churchwarden and Sidesman are at present required to take an Oath of Office before entering upon the Execution thereof, and it is expedient that a Declaration shall be substituted for such Oath of Office; be it enacted, That in future every Person entering upon the Office of Churchwarden or Sidesman before beginning to discharge the Duties thereof shall, in lieu of such Oath of Office, make and subscribe, in the Presence of the Ordinary or other Person before whom he would, but for the passing of this Act, be required to take such Oath, a Declaration that he will faithfully and diligently perform the Duties of his Office, and such Ordinary or other Person is hereby empowered and required to administer the same accordingly.

Churchwarden's and Sidesman's Oath abolished, and a Declaration to be made in lieu thereof.

IX. And be it enacted, That in any Case where, under any Act or Acts for making, maintaining, or regulating any Highway, or any Road, or any Turnpike Road, or touching any Trust relating thereto, any Oath, solemn Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made by any Person whatsoever, no such Oath, solemn Affirmation, or Affidavit shall in future be required to be or be taken or made, but the Person who might under the Act or Acts imposing the same be required to take or make such Oath, solemn Affirmation, or Affidavit shall, in lieu thereof, in the Presence of the Trustee, Commissioner, or other Person before whom he might under such Act or Acts be required to take or make the same, make and subscribe a Declaration to the same Effect as such Oath, solemn Affirmation, or Affidavit, and such Trustee, Commissioner, or other Person is hereby empowered and required to administer and receive the same.

Declaration substituted for Oath by Persons acting in Turnpike Trusts.

X. And be it enacted, That whenever any Person or Persons shall seek to obtain any Patent under the Great Seal for any Discovery or Invention, such Person or Persons shall, in lieu of any Oath, Affirmation, or Affidavit which heretofore has or might be required to be taken or made upon or before obtaining any such Patent, make and subscribe, in the Presence of the Person before whom he might, but for the passing of this Act, be required to take or make such Oath, Affirmation, or Affidavit, a Declaration to the same Effect as such Oath, Affirmation, or Affidavit; and such Declaration, when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath, Affirmation, or Affidavit in lieu whereof it shall have been so made and subscribed.

Declaration substituted for Affidavit heretofore required on taking out a Patent.

XI. And be it enacted, That where by any Act or Acts at the Time in force for regulating the Business of Pawnbrokers any Oath, Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made, the Person who by or under such Act or Acts might be required to take or make such Oath, Affirmation, or Affidavit shall in lieu thereof make and subscribe a Declaration to the same Effect; and such Declaration shall be made and subscribed at the same Time, and on the same Occasion, and in the Presence of the same Person or Persons, as the Oath, Affirmation,

Declaration substituted for Oaths and Affidavits required by Acts as to Pawnbrokers.



Penalties as to such Oaths, &c. to apply to Declarations.

Justices not to administer Oaths, &c. touching Matters whereof they have no Jurisdiction by Statute.

Proviso.

Fees on Oaths payable on Declarations substituted in lieu thereof.

False Declarations punishable as Perjury.

Allegation in Indictment for Perjury.

Act to take effect after 15th June 1835.

Act may be amended this Session.

or Affidavit in lieu whereof it shall be made and subscribed would by the Act or Acts directing or requiring the same be directed or required to be taken or made; and all and every the Enactments, Provisions, and Penalties contained in or imposed by any such Act or Acts as to any Oath, Affirmation, or Affidavit thereby directed or required to be taken or made shall extend and apply to any Declaration in lieu thereof, as well and in the same Manner as if the same were herein expressly enacted with reference thereto.

XII. 'And whereas a Practice wholly contrary to the Policy of the Law has been permitted to prevail, of administering and receiving Oaths and Affidavits voluntarily taken and made in Matters not the Subject of any Judicial Inquiry, nor in anywise pending or at Issue before the Justice of the Peace or other Person by whom such Oaths or Affidavits have been administered or received: And whereas Doubts have arisen whether or not such Proceeding is illegal;' for the more effectual Suppression of such Practice and removing such Doubts, be it enacted, That from and after the First Day of *June* next ensuing it shall not be lawful for any Justice of the Peace or other Person to administer or cause or allow to be administered, or to receive or cause or allow to be received, any Oath, Affidavit, or solemn Affirmation touching any Matter or Thing whereof such Justice or other Person hath not Jurisdiction or Cognizance by some Statute in force at the Time being: Provided always, that nothing herein contained shall be construed to extend to any Oath, Affidavit, or solemn Affirmation before any Justice in any Matter or Thing touching the Preservation of the Peace, or the Prosecution, Trial, or Punishment of Offences.

XIII. And be it enacted, That whenever any Declaration shall be made and subscribed by any Person or Persons under or in pursuance of the Provisions of this Act, or any of them, in lieu of any Oath, solemn Affirmation, or Affidavit, all and every such Fees or Fee as would have been due and payable on the taking or making such Oath, solemn Affirmation, or Affidavit shall be in like Manner due and payable upon making and subscribing such Declaration in lieu thereof.

XIV. And be it enacted, That in any Case where a Declaration in lieu of an Oath shall have been substituted by this Act, or by virtue of any Power or Authority hereby given, any Person who shall wilfully and corruptly make and subscribe any such Declaration, knowing the same to be untrue in any Particular, shall in all Cases in which the Punishment of Perjury would now attach be guilty of a Misdemeanor, and on being duly convicted thereof shall incur the Pains and Penalties to which Persons are or may be liable for wilful and corrupt Perjury; and it shall be sufficient in any Indictment for such Offence to allege generally that the Declaration therein charged to have been falsely made was a Declaration duly substituted in lieu of an Oath, and it shall not be necessary to state by what Authority or in what Manner the same shall have been so substituted.

XV. And be it enacted, That this Act shall commence and take effect from and after the Fifteenth Day of *June* in this present Year, the Year of our Lord One thousand eight hundred and thirty-five.

XVI. And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

## CAP. IX.

An Act to apply a Sum of Eight Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-five. [17th June 1835.]

‘ Most Gracious Sovereign,

‘ **WE**, Your Majesty’s most dutiful and loyal Subjects, the  
 ‘ Commons of the United Kingdom of *Great Britain* and  
 ‘ *Ireland*, in Parliament assembled, towards making good the Supply  
 ‘ which we have cheerfully granted to Your Majesty in this Session  
 ‘ of Parliament, have resolved to grant unto Your Majesty the Sum  
 ‘ herein-after mentioned; and do therefore most humbly beseech  
 ‘ Your Majesty that it may be enacted;’ and be it enacted by the  
 King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That there shall and may be issued and applied, for or towards good making the Supply granted to His Majesty for the Service of the Year One thousand eight hundred and thirty-five, the Sum of Eight Millions, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of His Majesty’s Treasury of the United Kingdom of *Great Britain* and *Ireland* now or for the Time being, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

There shall be applied, for the Service of the Year 1835, 8,000,000*l.* out of the Consolidated Fund.

II. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty’s Treasury, or any Three or more of them for the Time being, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of His Majesty’s Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole Eight Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intitled *An Act for regulating the issuing and paying off of Exchequer Bills*.

The Treasury may cause 8,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1.

III. And be it further enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said late Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

The Clauses, &c. in recited Act extended to this Act.

IV. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Interest on Exchequer Bills.

V. And be it further enacted, That the Commissioners of His Majesty’s Treasury for the Time being, or any Three or more of them, shall and they are hereby authorized and empowered to cause

Bills to be placed as so much Cash in the Exchequer; such

to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their Annual Certificates.

[3d July 1835.]

WHEREAS divers Persons, who, on account of their Offices, Places, Employments, or Professions, or any other Cause or Occasion, ought to have taken and subscribed the Oaths or Assurance respectively appointed to be by such Persons taken and subscribed in and by an Act made in the First Year of the Reign of His late Majesty King George the First, of glorious Memory, intituled *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia, being Protestants; and for extinguishing the Hopes of the pretended Prince of Wales, and his open and secret Abettors*; or to have qualified themselves according to an Act made in the Thirteenth Year of the Reign of King Charles the Second, intituled *An Act for the well-governing and regulating of Corporations*; or to have qualified themselves according to another Act made in the Twenty-fifth Year of the Reign of King Charles the Second, intituled *An Act for preventing the Dangers which may happen from Popish Recusants*; or according to another Act made in the Thirtieth Year of the Reign of King Charles the Second, intituled *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament*; or according to another Act made in the Eighth Year of the Reign of His late Majesty King George the First, intituled *An Act for granting the People called Quakers such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under*; or according to another Act made in the Ninth Year of the Reign of His late Majesty King George the Second, intituled *An Act for indemnifying Persons who have omitted to qualify themselves for Offices within the Time limited by Law, and for allowing further Time for that Purpose; and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty as requires Persons to qualify themselves for Offices before the End of the next Term or Quarter Sessions, and also for enlarging the Time limited by Law for making and subscribing the Declaration against Transubstantiation; and for allowing a further Time for Enrolment of Deeds and Wills made by Papists; and for Relief of Protestant Purchasers, Devisees, and Lessees*; or according to another Act made in the Eighteenth Year of the Reign of His late Majesty King George the Second, intituled *An Act to amend and render more effectual an Act passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act for the further Qualification of Justices of the Peace'*; or according to another Act made in the Sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for altering the Oath of Abjuration, and the Assurance; and for amending so much of an Act made in the Seventh Year of the Reign of Her late Majesty Queen Anne, intituled 'An Act for the Improvement of the Union of the Two Kingdoms,' as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Per-*

' sons indicted of High Treason or Misprision of Treason; or  
 ' according to another Act passed in the Ninth Year of the Reign  
 ' of His late Majesty King George the Fourth, intituled *An Act for* 9 G. 4. c. 17.  
 ' *repealing so much of several Acts as imposes the Necessity of*  
 ' *receiving the Sacrament of the Lord's Supper as a Qualification*  
 ' *for certain Offices and Employments*; or according to another Act  
 ' passed in the Tenth Year of the Reign of His said late Majesty,  
 ' intituled *An Act for the Relief of His Majesty's Roman Catholic* 10 G. 4. c. 7.  
 ' *Subjects*, so far only as the said Act relates to any Civil or Military  
 ' Offices or Places of Trust, or Places of Profit or Corporate Offices;  
 ' have, through Ignorance of the Law, Absence, or some unavoidable  
 ' Accident, omitted to take and subscribe the Oaths and Assurance  
 ' and make and subscribe the Declaration required by the said  
 ' recited Acts or either of them, or otherwise to qualify themselves  
 ' as aforesaid, within such Time and in such Manner as in and by  
 ' the said Acts respectively is required, whereby they have incurred,  
 ' or may be in danger of incurring, divers Penalties and Disabilities:  
 For quieting the Minds of His Majesty's Subjects, and for pre-  
 venting any Inconvenience that might otherwise happen by means  
 of such Omissions, be it enacted by the King's most Excellent  
 Majesty, by and with the Advice and Consent of the Lords Spiritual  
 and Temporal, and Commons, in this present Parliament assembled,  
 and by the Authority of the same, That all and every Person or  
 Persons who, at or before the passing of this Act, hath or shall have  
 omitted to take and subscribe the Oaths and Declarations, or other-  
 wise to qualify him, her, or themselves, within such Time and in  
 such Manner as in and by the said Acts or any of them is required,  
 and who, after accepting any such Office, Place, or Employment, or  
 undertaking any Profession or Thing, on account of which such  
 Qualification ought to have been had and is required, before the  
 passing of this Act hath or have taken and subscribed the said  
 Oaths or made the Declarations required by Law, or who, on or  
 before the Twenty-fifth Day of *March* One thousand eight hundred  
 and thirty-six, shall take and subscribe the Oaths, Declarations, and  
 Assurance respectively, in such Cases wherein by the said several  
 Acts or any or either of them the said Oaths, Declarations, and  
 Assurance ought to have been taken and subscribed, in such Manner  
 and Form, and at or in such Place or Places as are appointed in  
 and by the said several Acts or any or either of them, shall be and  
 are hereby indemnified, freed, and discharged from and against all  
 Penalties, Forfeitures, Incapacities, and Disabilities incurred or to  
 be incurred for or by reason of any Neglect or Omission, previous  
 to the passing of this Act, of taking or subscribing the said Oaths  
 or Assurance, or making or subscribing the said Declarations respec-  
 tively, or taking or subscribing the said Oath, according to the  
 above-mentioned Acts or any of them, or any other Act or Acts;  
 and such Person or Persons is and are and shall be fully and  
 actually recapacitated and restored to the same State and Condition  
 as he, she, or they were in before such Neglect or Omission, and  
 shall be and be deemed and adjudged to have duly qualified him,  
 her, or themselves according to the above-mentioned Acts and every  
 of them; and that all Elections of, and Acts done or to be done  
 by, any such Person or Persons, or by Authority derived from him,  
 her, or them, are and shall be of the same Force and Validity as the  
 the

Persons who  
 have omitted to  
 qualify them-  
 selves as re-  
 quired by the  
 recited Acts  
 indemnified and  
 allowed further  
 Time.

the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and that the Qualification of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oaths, &c. required by the Irish Act of 2 Anne.

II. 'And whereas several Persons well affected to His Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of Her late Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery*;' be it therefore enacted, That all Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and that no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned; any thing in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March*. One thousand eight hundred and thirty-six.

Not to indemnify Persons against whom final Judgment is given.

III. Provided always, and be it further enacted, That this Act, or any thing herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Complaint, or Information, in any of His Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification.

IV. Provided always, and be it further enacted, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after Time allowed by Law.

V. 'And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other Public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns in *Great Britain* and *Ireland*, or the Entries of such Admissions

‘ missions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns, which by several Acts are directed and required to be stamped, may not have been provided or the same not stamped, or may have been lost or mislaid;’ be it further enacted, That for the Relief of such Persons whose Appointments and Admissions, or the Entries of whose Admissions as aforesaid, may not have been provided, or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and thirty-six, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions as aforesaid, duly stamped; or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners appointed to inspect and manage the Revenues of the Stamp Duties, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of Double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and, in order to denote the said Duties, the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Persons so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Offices, or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

VI. ‘ And whereas many Persons who may have paid the proper Stamp Duties, either before or within Six Months after the Execution of the Contracts in Writing entered into by them to serve as Clerks to Attornies or Solicitors, Scriveners, or Notaries Public in *Great Britain*, have omitted to cause Affidavits to be made, and afterward to be filed in the proper Office, of the actual Execution of such Contracts, and have also omitted to cause such Contracts and the Indentures thereof to be enrolled within the Time in which the same ought to have been done; and many Solicitors, Attornies,

Indemnity to Persons who have paid the Duties on Indentures to serve as Clerks to Attornies, &c., but have neglected to cause Affidavits thereof to be made.

‘ Attornies, Notaries Public, and others have omitted to take out Annual Certificates, or to enter the same in the proper Office ; and many Infants and others may thereby incur certain Disabilities :’ For preventing thereof, and relieving such Persons, be it enacted, That every Person who shall, either before or within Six Months after the Execution of such Contract or Indenture, have paid the proper Stamp Duty in that Behalf, and who at the passing of this Act shall have neglected or omitted to cause any such Affidavit or Affidavits as aforesaid to be made and filed, or such Contract or Indenture to be enrolled, and who, on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-six, shall cause such Contract or Indenture to be enrolled with the proper Officer in that Behalf, and One or more Affidavit or Affidavits to be made, and afterwards to be filed, in such Manner as the same ought to have been made and filed in due Time, shall be and is hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities in or by any Act or Acts of Parliament mentioned, and incurred or to be incurred for or by reason of such Neglect or Omission ; and every such Affidavit and Affidavits so to be made, and which shall be duly filed on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-six, shall be as effectual to all Intents and Purposes as if the same had been made and filed within the respective Times the same ought, by the Laws now in being for that Purpose, to have been made and filed ; and that the respective Officer or Officers who ought to receive, file, enter, or register such Contract or Indenture, or Affidavit or Affidavits, shall not refuse to receive, file, enter, or register the same by reason that the Attorney, Solicitor, or Notary Public to whom such Infant or other Person shall have been articulated or have contracted to serve, shall have neglected to take out his Annual Certificate, or to register the same, but such Officer or Officers are hereby directed and empowered to receive, file, enter, or register the same, notwithstanding such Omission ; and that every Person who shall have regularly served any Attorney or Attornies, Solicitor or Solicitors, Notary Public or Notaries Public, for the Term of Years required by Law, shall not be prevented or disqualified from being admitted an Attorney, Solicitor, or Notary Public, by reason of any Omission of the Person or Persons to whom he served for the same Term, or for any Part thereof, having so neglected to take out his Annual Certificate, or to register the same, provided that such Person is otherwise entitled to be created and admitted to such Office by the Laws now in force relating thereto.

Neglect of Attornies, &c. in taking out their Annual Certificates not to disqualify the Persons who have served them.

Defects in the Service, &c. of Attornies not to disqualify Persons who have served them.

VII. And be it enacted, That in case the Attorney, Solicitor, Proctor, or Notary to whom any Person shall have duly served his Clerkship under Articles in Writing for that Purpose shall after such Service of the Clerk be struck off the Roll in consequence of some Defect in the Service under the Articles of Clerkship or of the Admission and Enrolment of such Attorney, Solicitor, Proctor, or Notary, the Person who has so duly served his Clerkship shall not be prevented or disqualified from being admitted and enrolled as an Attorney, Solicitor, Proctor, or Notary, nor liable to be struck off the Roll, if admitted, by reason of any such Defect as aforesaid, provided that such Clerk or Person be otherwise entitled

entitled to be admitted and enrolled according to the Laws now in force relating thereto.

VIII. And be it further enacted, That no Person who has been admitted and enrolled and in actual Practice as an Attorney, Solicitor, Proctor, or Notary shall be liable to be struck off the Roll for or on account of any Defect in the Articles of Clerkship, or the Registry thereof, or the Service under such Articles, or of his Admission and Enrolment, unless the Application for striking him off the Roll be made within Twelve Months from the Time of his Admission and Enrolment, provided that such Articles, Registration, Service, Admission, or Enrolment be without Fraud.

Applications for striking Attornies off the Roll for Defect in Articles, &c. to be made within Twelve Months of Admission.

IX. Provided always, and be it further enacted, That this Act or any thing herein contained shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of His Majesty's Courts of Record, already legally filled up and enjoyed by any other Person; but that such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been made.

Not to restore Persons to any Office avoided by Judgment.

X. And be it further enacted, That in case any Action, Suit, Bill of Indictment, or Information shall from and after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

General Issue.

## CAP. XII.

An Act for continuing to His Majesty, until the Fifth Day of *July* One thousand eight hundred and thirty-six, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-five. [3d *July* 1835.]

‘ Most Gracious Sovereign,

‘ **W**E, Your Majesty's most dutiful and loyal Subjects, the  
 ‘ Commons of the United Kingdom of *Great Britain* and  
 ‘ *Ireland* in Parliament assembled, towards raising the necessary  
 ‘ Supplies to defray Your Majesty's public Expences, have freely  
 ‘ and voluntarily resolved to give and grant unto Your Majesty  
 ‘ the Duties herein-after mentioned; and do therefore most humbly  
 ‘ beseech Your Majesty that it may be enacted;’ and be it enacted  
 by the King's most Excellent Majesty, by and with the Advice  
 and Consent of the Lords Spiritual and Temporal, and Commons,  
 in this present Parliament assembled, and by the Authority of the  
 same, That the Duties imposed on Sugar and Molasses, and the  
 Bounties allowed thereon, by an Act passed in the First Year of  
 the Reign of His present Majesty, intituled *An Act for granting to*

Duties on Sugar and Molasses imposed by 1 W. 4. c. 50. continued until *July* 1836.

*His*



*His Majesty, until the Fifth Day of April One thousand eight hundred and thirty-one, certain Duties on Sugar imported into the United Kingdom for the Service of the Year One thousand eight hundred and thirty, and which have by several subsequent Acts been further continued until the Fifth Day of July One thousand eight hundred and thirty-five, shall be and the same are hereby further continued until the Fifth Day of July One thousand eight hundred and thirty-six.*

Powers of recited Act extended to this Act.

II. And be it further enacted, That the several Powers, Provisions, Matters, and Things contained in the said recited Act shall be extended to this Act, and the Duties and Bounties hereby continued, in as full and ample a Manner as if the same had been repeated and re-enacted in this Act, and made Part thereof.

Separate Accounts to be kept in the Office of the Controller General of the Exchequer of the Duties arising in Great Britain.

III. And be it further enacted, That a distinct and separate Account shall be kept, in the Office of the Controller General of the Receipt and Issue of His Majesty's Exchequer at *Westminster*, of all the Money that shall be paid to the Account of His Majesty's Exchequer at the Bank of *England* from so much of the said Rates and Duties hereby granted on Sugar as shall arise and be payable in *Great Britain*; and it shall be lawful for the Commissioners of the Treasury of the United Kingdom of *Great Britain* and *Ireland* to issue and apply the same from Time to Time to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament; and so much of the said Duties on Sugar as shall arise and be payable in *Ireland* shall be paid into the Receipt of the Exchequer in *Ireland*, and shall be carried to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Monies arising in Ireland to be paid into the Exchequer there.

The Treasury may direct Exchequer Bills to be made out, not exceeding 3,000,000*l*.

IV. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury, at any Time or Times when they shall think fit so to do, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole, including any Sum or Sums of Money issued towards the Aids or Supplies in pursuance of this Act, the Sum of Three Millions, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

48 G. 3. c. 1.

Powers of 48 G. 3. c. 1. extended to this Act.

V. And be it further enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reign of His said late Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoos had been particularly repeated and re-enacted in the Body of this Act.

Exchequer Bills to bear an Interest.

VI. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Four Pounds *per Centum per Annum* upon or in respect of the whole of the Monies respectively contained therein.

VII. And

VII. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, by placing to the Account of His Majesty's Exchequer at the Bank of *England*, upon the Credit of the Exchequer Bills authorized by this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions; any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.*

VIII. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for the Advance or Advances which may be made to His Majesty by the said Governor and Company of the Bank of *England*, under the Authority of this Act.

IX. Provided always, and be it further enacted, That the Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the Rates, Duties, and Assessments on Sugar granted by this Act; and it shall be lawful for the said Commissioners of the Treasury and they are hereby authorized from Time to Time to direct to be issued to the Paymasters of Exchequer Bills, by way of Imprest and upon Account, such Sums of Money and at such Periods as the said Commissioners shall think necessary for or towards paying off and discharging the Exchequer Bills which shall have been made forth by virtue of this Act, or any of them. and for and towards paying the Interest to become due on the said Bills, or any of them.

X. And be it further enacted, That the Monies remaining unsatisfied or not discharged, with the Interest due or to grow due thereon, shall be paid and satisfied out of the next Aid or Aids to be granted in Parliament after the said Fifth Day of *July* One thousand eight hundred and thirty-six.

XI. And be it further enacted, That the Surplus of the Monies arising from the Rates, Duties, and Assessments on Sugar granted and imposed by this Act, after paying off and satisfying all the Exchequer Bills issued by virtue of this Act, together with the Interest that may become due thereon, shall, as a Surplus of any such Monies respectively, be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.

XII. And be it enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury or any Three or more of them for the Time being, and they are hereby authorized and empowered, to pay and allow or cause to be paid and allowed, out

Bank of *England* may advance Money on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

Bills to be delivered to the Bank of *England*, as Security for the Advances.

Exchequer Bills to be charged on the Duties granted by this Act.

Money due on Exchequer Bills to be paid out of the next Aids.

Surplus Monies to be carried to Consolidated Fund.

The Treasury to allow the necessary Charges of making forth new Exchequer Bills.

out of the Monies to arise of or from the said Rates and Duties on Sugar hereby granted, or of or from the said Consolidated Fund, from Time to Time the necessary Charges of making forth the Exchequer Bills hereby authorized to be made forth, and such other Charges as shall be necessarily incident in or for the Execution of this Act, or any Part thereof, in relation to the said Bills; any thing herein contained to the contrary notwithstanding.

Money issued to be replaced out of the first Supplies.

XIII. Provided always, and be it enacted, That whatever Monies shall be issued out of the said Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thereafter granted by Parliament; any thing herein contained to the contrary notwithstanding.

Act may be altered this Session.

XIV. And be it enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament.

### CAP. XIII.

An Act to regulate the Importation of Corn into the *Isle of Man*. [3d July 1835.]

‘ WHEREAS an Act was passed in the Ninth Year of the  
 ‘ Reign of His late Majesty King George the Fourth, inti-  
 ‘ tuled *An Act to amend the Laws relating to the Importation of*  
 ‘ *Corn*, whereby certain Duties, as set forth in a Table annexed  
 ‘ to the said Act, are made payable in the United Kingdom upon  
 ‘ the Importation of Corn, Grain, Meal, and Flour, but which  
 ‘ Duties are not payable in the *Isle of Man*: And whereas the  
 ‘ surplus Productions of the *Isle of Man* are nevertheless admis-  
 ‘ sible, under the Laws now in force, into the United Kingdom,  
 ‘ without Payment of any Duties: And whereas the Inhabitants  
 ‘ of the *Isle of Man* do not stand in need of any Supplies of  
 ‘ Foreign Corn for their Consumption, and therefore it is necessary,  
 ‘ for the better Enforcement of the said Act with regard to the  
 ‘ Importation of Corn into the United Kingdom, to make new  
 ‘ Provisions for regulating the Importation of Corn into the *Isle*  
 ‘ *of Man*:’ Be it therefore enacted by the King’s most Excellent  
 Majesty, by and with the Advice and Consent of the Lords Spiritual  
 and Temporal, and Commons, in this present Parliament assembled,  
 and by the Authority of the same, That from and after the passing  
 of this Act it shall not be lawful to import into the *Isle of Man* any  
 Foreign Corn, Grain, Meal, or Flour, except upon Payment of  
 the same Duties as are by the said Act made payable on the  
 Importation into the United Kingdom of Corn, Grain, Meal, or  
 Flour.

9 G. 4. c. 60.

All Foreign Corn to be subject to the same Duties in the *Isle of Man* as in the United Kingdom.

Certificate of Average Prices to be transmitted.

II. ‘ And whereas in and by the said Act it is provided that  
 ‘ a certain Certificate of the aggregate Average Prices of Corn  
 ‘ shall be transmitted to the Collector or other chief Officer of the  
 ‘ Customs at each of the several Ports of the United Kingdom;’  
 be it further enacted, That the said Certificate shall in like Manner  
 be transmitted to the Collector or other chief Officer of the Customs  
 at the Port of *Douglas* in the *Isle of Man*; and that the Duties  
 payable as aforesaid in the *Isle of Man* shall be ascertained from  
 Time to Time by the Prices set forth in such Certificate, in like  
 Manner as the same are ascertained in the United Kingdom.

III. And

repealed by  
5 & 6 W: IV.

III. And be it further enacted, That the Duties imposed by this Act shall be raised, levied, collected, and paid unto His Majesty in like Manner as if the same had been imposed by an Act passed in the Third and Fourth Years of His Majesty's Reign, intituled *An Act for regulating the Trade of the Isle of Man.*

How Duties  
are to be col-  
lected.

3 & 4 W.4. c. 60.

#### CAP. XIV.

An Act to continue to the Thirty-first Day of *December* One thousand eight hundred and thirty-six, and from thence to the End of the then next Session of Parliament, an Act of the Tenth Year of His late Majesty's Reign, for providing for the Government of His Majesty's Settlements in *Western Australia* on the Western Coast of *New Holland.* [3d July 1835.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide, until the Thirty-first Day of December One thousand eight hundred and thirty-four, for the Government of His Majesty's Settlements in Western Australia on the Western Coast of New Holland:* And whereas the said Act will shortly expire; and it is expedient that the said Act should be further continued: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act, so passed as aforesaid in the Tenth Year of His said late Majesty's Reign, shall be and the same is hereby continued and shall remain in force until the Thirty-first Day of *December* One thousand eight hundred and thirty-six, and thenceforward until the End of the then next Session of Parliament.

10 G. 4. c. 22.

Recited Act to  
be continued  
until 31st Dec.  
1836, and until  
End of then,  
next Session of  
Parliament.

#### CAP. XV.

An Act to continue until the Thirty-first Day of *May* One thousand eight hundred and thirty-eight, and to the End of the then next Session of Parliament, the Allowances of the Duty of Excise on Soap used in certain Manufactures. [21st July 1835.]

WHEREAS an Act was passed in the Third and Fourth Years of His Majesty's Reign, intituled *An Act to repeal the Duties, Allowances, and Drawbacks of Excise on Soap, and to grant other Duties, Allowances, and Drawbacks in lieu thereof:* And whereas by the said Act certain Allowances of the Duties of Excise paid on Soap were granted in respect of Soap used in certain Manufactures and Processes set forth in the said Act, and which Allowances were to cease at the End of the Session of Parliament next after the Thirty-first Day of *May* One thousand eight hundred and thirty-five: And whereas it is expedient that such Allowances should be continued for a further Time: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the

3 & 4 W 4. c. 16.

Allowances granted by re-cited Act further continued.

Authority of the same, That the said Allowances shall continue and remain payable until the End of the Session of Parliament next after the Thirty-first Day of *May* One thousand eight hundred and thirty-eight, in like Manner as if the same had been made payable until that Time by the said Act.

### CAP. XVI.

An Act for altering and amending the Law regarding Commitments by Courts of Equity for Contempts, and the taking Bills *pro Confesso*, in *Ireland*.

[30th *July* 1835.]

‘ **W**HEREAS it is expedient to amend the Law regarding Commitments by Courts of Equity for Contempts, and the taking Bills *pro Confesso*, in *Ireland*;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Marshal of the Marshalsea of the Four Courts Prison shall keep a Register of the Names of all Persons committed by the Courts of Equity for Contempts, stating the Dates and the Grounds of their several Commitments, and the Dates of their respective Discharges, and shall, on the Twentieth Day of *January*, the Twentieth Day of *April*, the Twentieth Day of *July*, and the Twentieth Day of *October*, in every Year, make a Report to the Lord Chancellor of the Names and Descriptions of such Prisoners in his Custody on each of such Days respectively, with the Causes and Dates of their respective Commitments.

Marshal of the Four Courts Prison to keep a Register of Persons committed for Contempts, and report Four Times a Year to the Lord Chancellor.

Manner of proceeding in case of Persons not appearing within the usual Time after Subpœna or other Process has been issued.

II. ‘ And whereas sometimes Persons have withdrawn themselves beyond the Seas, or otherwise absconded, to avoid appearing in Courts of Equity, or being served with Process for that Purpose, or, being brought into Court by Habeas Corpus, have refused to appear;’ for Remedy of the Inconvenience thence ensuing, be it further enacted, That if in any Suit, not being for the Foreclosure of a Mortgage, which hath been or hereafter shall be commenced in any Court of Equity, any Defendant against whom any Subpœna or other Process shall issue shall not cause his Appearance to be entered upon such Process within such Time and in such Manner as according to the Rules of the Court the same ought to have been entered in case such Process had been duly served, and an Affidavit or Affidavits shall be made to the Satisfaction of such Court that such Defendant is beyond the Seas, or that upon Inquiry at his usual Place of Abode he could not be found so as to be served with such Process, and that there is just Ground to believe that such Defendant is gone out of the Realm, or has otherwise absconded, to avoid being served with the Process of such Court, then and in such Case the Court out of which such Process issued may make an Order directing and appointing such Defendant to appear at a certain Day therein to be named; and a Copy of such Order shall, within Fourteen Days after such Order made, be inserted in the *Dublin Gazette*, and published on some Lord’s Day immediately after Divine Service in the Parish Church where such Defendant made his usual Abode within Thirty Days next before such his absenting,

absenting, and also a Copy of such Order shall within the Time aforesaid be posted up in some public Place at the *Royal Exchange* in *Dublin*; and if the Defendant do not appear within the Time limited by such Order, or within such further Time as the Court shall appoint, then, on Proof made of such Publication of such Order as aforesaid, the Court, being satisfied of the Truth thereof, may order the Plaintiff's Bill to be taken *pro Confesso*, and make such Decree thereupon as shall be thought just, and may thereupon issue Process to compel the Performance of such Decree, either by an immediate Sequestration of the Real and Personal Estate and Effects of the Party so absenting (if any such can be found), or such Part thereof as may be sufficient to satisfy the Demands of the Plaintiff in the said Suit, or by causing Possession of the Estate or Effects demanded by the Bill to be delivered to the Plaintiff, or otherwise, as the Nature of the Case shall require; and the said Court may likewise order such Plaintiff to be paid and satisfied his Demands out of the Estate or Effects so sequestered, according to the true Intent and Meaning of such Decree, such Plaintiff first giving sufficient Security in such Sum as the Court shall think proper to abide such Order touching the Restitution of such Estate or Effects as the Court shall think proper to make concerning the same upon the Defendant's Appearance to defend such Suit, and paying such Costs to the Plaintiff as the Court shall order; but in case such Plaintiff shall refuse or neglect to give such Security as aforesaid, then the said Court shall order the Estate or Effects so sequestered, or whereof the Possession shall be decreed to be delivered, to remain under the Direction of the Court, either by appointing a Receiver thereof, or otherwise, as to such Court shall seem meet, until the Appearance of the Defendant to defend such Suit, and his paying such Costs to the Plaintiff as the said Court shall think reasonable, or until such Order shall be made therein as the Court shall think just.

III. Provided always, and be it further enacted, That if any Person against whom any Decree shall be made upon Refusal or Neglect to enter his Appearance, or appoint a Clerk in Court or Attorney to act on his Behalf, shall be in Custody or forthcoming, so that he may be served with a Copy of such Decree, then he shall be served with a Copy thereof before any Process shall be taken out to compel the Performance thereof.

IV. Provided also, and be it further enacted, That if any Decree shall be made in pursuance of this Act against any Person being out of the Realm, or absconding in manner aforesaid, at the Time such Decree is pronounced, and such Person shall within Seven Years after the making such Decree return or become publicly visible, then and in such Case he shall likewise be served with a Copy of such Decree within a reasonable Time after his Return or public Appearance shall be known to the Plaintiff; and in case any Defendant against whom such Decree shall be made shall within Seven Years after the making such Decree happen to die before his or her Return into this Realm or appearing openly as aforesaid, or shall within the Time last before mentioned die in Custody before his or her being served with a Copy of such Decree, then his or her Heir, if such Defendant shall have any Real Estate sequestered, or whereof Possession shall have been delivered to the Plaintiff, and

Persons in Custody so neglecting to be served with a Copy of the Decree.

Persons out of the Realm affected by such Decrees, if they return within Seven Years, to be served with a Copy, or, in case of Death, their Heirs, &c.

such Heir may be found, or if such Heir shall be a Feme Covert, Infant, or *non compos mentis*, the Husband, Guardian, or Committee of such Heir respectively, or if the Personal Estate of such Defendant be sequestered, or Possession thereof delivered to the Plaintiff, then his Executor or Administrator (if any such there be), may and shall be served with a Copy of such Decree within a reasonable Time after it shall be known to the Plaintiff that the Defendant is dead, and who is his Heir, Executor, or Administrator, or where he may be served therewith.

Persons not petitioning a Rehearing of the Cause within Six Months, the Decree to be absolutely confirmed.

V. Provided always, and be it further enacted, That if any Person so served with a Copy of such Decree shall not within Six Months after such Service appear and petition to have the said Cause reheard, such Decree so made as aforesaid shall stand absolutely confirmed against the Person so served with a Copy thereof, his Heirs, Executors, and Administrators, and all Persons claiming or to claim by, from, or under him or any of them by virtue of any Act done or to be done subsequent to the Commencement of any Suit.

Persons petitioning a Rehearing within Seven Years, and giving Security for Costs, admitted to answer, and the Cause to be heard again.

VI. Provided always, and be it further enacted, That if any Person so served with a Copy of such Decree shall within Six Months after such Service, or if any Person not being so served shall within Seven Years next after the making such Decree, appear in Court and petition to be heard with respect to the Matter of such Decree, and shall pay down or give Security for Payment of such Costs as the Court shall think reasonable in that Behalf, the Person so petitioning, or his Representatives, or any Person claiming under him by virtue of any Act done before the Commencement of the Suit, may be admitted to answer the Bill exhibited, and Issue may be joined, and Witnesses on both Sides examined, and such other Proceedings, Decree, and Execution may be had thereon, as there might have been in case the same Party had originally appeared, and the Proceedings had then been newly begun, or as if no former Decree or Proceedings had been in the same Cause.

Persons not appearing within Seven Years, and making such Petition, to be absolutely barred.

VII. Provided always, and be it further enacted, That if any Person against whom such Decree shall be made, his Heirs, Executors, or Administrators, shall not within Seven Years next after the making of such Decree appear and petition to have the Cause reheard, and pay down or give Security for Payment of such Costs as the Court shall think reasonable in that Behalf, such Decree made as aforesaid shall stand absolutely confirmed against the Person against whom such Decree shall be made, his Heirs, Executors, and Administrators, and against all Persons claiming or to claim by, from, or under him, or any of them, by virtue of any Act done or to be done subsequent to the Commencement of such Suit; and at the End of such Seven Years it shall and may be lawful for the Court to make such further Order as shall be just and reasonable, according to the Circumstances of the Case.

Not to affect Persons beyond the Seas, unless in certain Cases.

VIII. Provided always, and be it further enacted, That this Act shall not extend or be construed to extend to warrant or make good any Proceeding against any Person beyond the Seas, unless it shall appear to the Satisfaction of the Court by Affidavit or Affidavits, before the making of such Decree, that such Person had been in *Ireland* within Two Years next before the Subpœna in such Suit issued against such Person.

IX. ' And whereas in many Cases Persons having Privilege of Parliament are named as Defendants in Suits instituted in Courts of Equity against them, either alone or jointly with other Persons, for enforcing against them Demands and Duties cognizable in Courts of Equity, and in some Cases such Defendants having Privileges of Parliament have stood out to the Return of Process of Sequestration issued against them for enforcing Appearance, and such Process of Sequestration hath not been found sufficient to enforce such Appearance;' be it therefore enacted, That from and after the passing of this Act, in case any Defendant having Privilege of Parliament shall, upon a Return of Process of Sequestration issued against him for not putting in an Appearance to any original or other Bill of Complaint instituted against him in a Court of Equity for enforcing Discovery and Relief, or Discovery alone, (as the Case may be,) neglect to appear, that then and in such Case such Court, upon producing the Return of such Sequestration in Court, may, on the Motion or other Application of the Plaintiff in such Cause, appoint a Clerk in Court to enter an Appearance for such Defendant so having Privilege of Parliament, and such Proceedings may be thereupon had in the Cause as if the Party had actually appeared.

X. ' And whereas in many Cases it is necessary, on the Part of the Persons having legal Rights against Persons having Privilege of Parliament, to proceed by Bill in Equity against such Persons so having Privilege of Parliament, to obtain from them Discovery on Oath of Facts intended to be used or given in Evidence in Courts of Law against the Persons making such Discovery; and in Cases where such Persons having such Privilege as aforesaid shall stand out Process of Contempt, Parties entitled to such Discovery against them have not sufficient Means of compelling or obtaining the same in all Cases;' be it therefore enacted, That from and after the passing of this Act, when any Defendant having Privilege of Parliament shall have appeared to any Bill filed against him seeking a Discovery upon Oath, or when an Appearance shall have been entered for such Defendant according to the Provisions aforesaid, and such Person shall refuse or neglect to put in his Answer to such Bill within the Time for that Purpose allowed by the Rules and Orders of such Court, that then it shall and may be lawful for the Plaintiff in such Suit to apply to the Court for an Order that such Bill shall be taken *pro Confesso* against such Defendant, and upon such Application such Court of Equity shall make an Order that such Bill shall be taken *pro Confesso*, unless the Defendant shall within Eight Days after being served with such Order show good Cause to the contrary.

XI. And be it further enacted, That when and so soon as any such Order shall have been pronounced by any such Court of Equity for taking such Bill *pro Confesso*, such Bill in Equity, or an examined Copy thereof, so taken *pro Confesso*, shall be taken and read in any Court of Law or Equity as Evidence of the Facts and Matters and Things therein contained, in the same Manner as if such Facts, Matters, and Things had been admitted to be true by the Answer of the Defendant put in to such Bill; and such Bill so taken *pro Confesso* shall be received and taken in Evidence of such and the same Facts, and on behalf of such and so many Persons, as

Appearances may be put in for Defendants having Privilege of Parliament in Courts of Equity, on Return of Process of Sequestration.

In default of Answer to Bill in Equity against Persons having Privilege of Parliament, Bill shall be taken *pro Confesso*.

Such Bill shall be read in Evidence as an Answer admitting the Facts.



the Answer of the Defendant to the said Bill could and might have been read and received in Evidence of in case such Answer had been put in by the Defendant thereto, and had admitted the same Facts, Matters, and Circumstances as in such Bill stated and set forth; and in like Manner every other Bill of Discovery taken *pro Confesso*, under any of the Provisions of this Act, shall or may be taken and read as Evidence of the Facts and Matters and Things therein contained, to the Extent aforesaid.

Rules for the  
Court of Chan-  
cery.

XII. And for remedying the Practice of Courts of Equity in regard to Process of Contempt and the taking of Bills *pro Confesso*, be it further enacted, That the Rules and Regulations herein-after provided and contained shall be adopted by the High Court of Chancery in *Ireland*, and shall from henceforth become Orders and Rules of the said Court of Chancery, and be observed and enforced in and by the said Court; (that is to say,)

1. That where a Defendant is confined for a Misdemeanor, and has been brought before the Court upon an Habeas Corpus, and thereupon has been turned over to the said Marshalsea, *pro formd*, but has been carried back to the Prison from whence he came with his Cause, another Writ of Habeas Corpus may issue, directed to the Gaoler or Keeper of the Prison to which he has been carried back, and thereupon the Defendant shall be brought into Court, and remanded to the Prison from whence he came, with his Cause, without being turned over again to the said Marshalsea, and the Bill may be taken *pro Confesso* in the same Manner in all respects as if the Defendant had been all along in the Custody of the Marshal of the said Marshalsea.
2. That if the Defendant, under Process of Contempt for not appearing or not answering, be in actual Custody, and shall not have been sooner brought to the Bar of the Court under Process to answer his Contempt, the Plaintiff, if the Contempt be not sooner cleared, shall bring the Defendant by an Habeas Corpus to the Bar of the Court within Thirty Days from the Time of his being actually in Custody, or detained (being already in Custody) upon Process of Contempt, and if the last Day of such Thirty Days shall happen out of Term, then within the Four first Days of the ensuing Term; and where the Defendant is in Custody of the Serjeant at Arms or of the Messenger upon an Attachment or other Process, the Plaintiff shall, within Ten Days after his being taken into such Custody, or if the last of such Ten Days shall happen out of Term, then within the first Four Days of the next ensuing Term, cause the Defendant to be brought to the Bar of the Court; and in case any such Defendant shall not be brought to the Bar of the Court within the respective Times aforesaid, the Sheriff, Gaoler or Keeper, Serjeant at Arms or Messenger, in whose Custody he shall be, shall thereupon discharge him out of Custody without Payment by him of the Costs of Contempt, which shall be payable by the Party on whose Behalf the Process issued; and this Rule shall apply to every Defendant in Custody before and at the Time of passing of this Act who shall not have been brought to the Bar of the Court, but the Thirty Days allowed in the first above-mentioned Case and the

Ten Days allowed in the second above-mentioned Case shall be reckoned from the first Day of the next Term.

3. That if a Defendant, upon being brought before the Court upon an Habeas Corpus, shall make Oath (which shall be administered to him by the Registrar, and he shall be examined in open Court,) that he is unable by reason of Poverty to employ a Solicitor to put in his Answer, the Court shall thereupon refer it to a Master in Rotation to inquire into the Truth of that Allegation, and to report thereon to the Court forthwith, and thereupon the Court may make such Order as upon other Reports of the like Nature under the Provisions herein-after contained.
4. That on the Thirtieth Day of *January*, the Thirtieth Day of *April*, the Thirtieth Day of *July*, and the Thirtieth Day of *October* in every Year, or if any of those Days happen on a *Sunday*, then on the following Day, One of the Masters of the Court of Chancery, to be named by the Court, shall visit the said Marshalsea Prison, and examine the Prisoners confined there for Contempt, and shall report his Opinion on their respective Cases to the Court; and thereupon it shall be lawful for the Court to order, if it shall see fit, that the Costs of the Contempt of any such Prisoner shall be paid out of the Interest and Dividends arising from the several Government or Parliamentary Securities standing in the Name of the Accountant General of the said Court of Chancery, intituled 'Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery,' and 'Account of Securities purchased with Surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Suitors of the High Court of Chancery,' or out of any Cash standing to either of such Accounts, or to any other Account which is now or hereafter may be standing to the Credit of the Suitors of the said Court of Chancery, (after and subject to the Payment of all Charges which by any Act heretofore passed are directed to be paid thereout,) and to assign a Solicitor and Counsel to such Prisoner, for putting in his Answer and defending him *in forma pauperis*, and to direct any such Prisoner, having previously done such Acts as the Court shall direct, to be discharged out of Custody; provided that if any such Defendant shall become entitled to any Funds out of such Cause, the same shall be applied, under the Direction of said Court, in the first instance, to the Reimbursement of the Suitors Fund.
5. That it shall be lawful for the Master visiting the said Marshalsea, or to whom the Case of a Prisoner shall be referred by the Court itself, to examine the Prisoner and all other Persons whom he may think it proper to examine upon Oath, and to administer an Oath or Oaths to any such Prisoner and other Persons accordingly, and to cause any Officers, Clerks, and Ministers of any Court of Law or Equity to bring and produce upon Oath before him any Records, Orders, Books, Papers, or other Writings belonging to the said Courts, or to any Officers within the same as such Officers.

6. That if it shall appear to the Satisfaction of the Court that any such Prisoner is an Idiot, Lunatic, or of unsound Mind, although no Commission has issued, the Court shall appoint a Guardian to put in his Answer, and discharge the Defendant, providing for the Costs in any of the Ways pointed out by this Act, as shall seem just; and if the Court shall see fit, the Defence may be made by such Guardian *in forma pauperis*.
7. That where the Defendant has been brought to the Bar of the Court for his Contempt in not answering, and refuses or neglects to answer, (not being Idiot, Lunatic, or of unsound Mind,) the Court may, upon Motion or Petition, of which due Notice shall be given personally to the Defendant, authorize the Plaintiff to amend his Bill, without such Amendment operating as a Discharge of the Contempt, or rendering it necessary to proceed with the Process of Contempt *de novo*; but after such Amendment the Plaintiff may proceed to take the amended Bill *pro Confesso*, in the same Manner as if it had not been amended: Provided nevertheless, that if the Defendant shall be desirous to answer such amended Bill, the Court shall allow him such Time as shall seem just for that Purpose; but if he shall not within the Time allowed by the Court put in a sufficient Answer to the amended Bill, the Process for taking the Bill *pro Confesso* may be resumed and carried on.
8. That in every Case where the Defendant has been brought to the Bar of the Court to answer his Contempt for not answering, and shall refuse or neglect to answer within the next Twenty-one Days, the Plaintiff shall be at liberty, with the Leave of the Court, upon Ten Days previous Notice to the Defendant, after the Expiration of such Twenty-one Days, unless good Cause be shown to the contrary, instead of proceeding to have the Bill taken *pro Confesso*, to put in such an Answer to the Bill as herein-after is mentioned, in the Name of the Defendant, without Oath or Signature, and thereupon the Suit shall proceed in the same Manner as if such Answer were really the Answer of the Defendant, with which the Plaintiff was satisfied, and the Costs of the Contempt and of putting in such Answer may be provided for in like Manner as if the Defendant himself had put in such Answer; and such Answer, besides the formal Parts thereof, shall be to the following Effect; that the Defendant leaves the Plaintiff to make such Proofs of the several Matters in the Bill alleged as he shall be able or be advised, and submits his Interests to the Court.
9. That in any Case where, upon the Application of the Plaintiff, the Court shall be satisfied that Justice cannot be done to the Plaintiff without an Answer to the Bill or to the Interrogatories from the Defendant himself, it shall be lawful for the Court to order the Defendant to remain in Custody until Answer or further Order, but without Prejudice to the Plaintiff's availing himself of any of the Provisions of this Act.
10. That where the Defendant is in Contempt for not appearing or not answering, and in actual Custody under Process for such Contempt, or being already in Custody shall be detained by

by an Attachment for such Contempt, and shall not, where the Contempt is for not appearing, enter an Appearance within Twenty-one Days after he is lodged in Gaol or Prison, or the Attachment is lodged against him (he being already in Prison), as the Case may be, or, where the Contempt is for not answering, put in an Answer within Two Calendar Months after he is lodged in Gaol or Prison, or the Attachment is lodged against him, he being already in Prison, the Plaintiff shall (as the Case may be), within Fourteen Days after the Period computed from the Expiration of such Twenty-one Days within which he may by the Provisions of this Act be able to enter such Appearance, cause an Appearance to be entered for the Defendant under the Powers of this Act, and shall at the Expiration of such Two Calendar Months proceed to take the Bill *pro Confesso*, and shall accordingly obtain an Order for taking the same *pro Confesso* within Six Weeks after the Period computed from the Expiration of such Two Calendar Months within which he may be able to take the same *pro Confesso*; or in default of so doing in either of such Cases the Defendant shall, upon Application to the Court, be entitled to be discharged out of Custody without paying any of the Costs of the Contempt, unless the Court shall, under the Power herein-before contained, see good Cause to remand and detain the Defendant in Custody; and this Rule shall apply to every Defendant in Custody before and at the Time of the passing of this Act who shall not have entered his Appearance, and for whom an Appearance shall not have been entered, or shall not have answered the Bill, and the Bill shall not have been taken *pro Confesso*, but the Twenty-one Days and Two Calendar Months respectively to be reckoned from the first Day of next Term, and the other Periods to be altered accordingly in Computation; but nothing in this Act shall prevent any Plaintiff from proceeding to take his Bill *pro Confesso*, according to the Practice existing before the passing of this Act, without Prejudice to the Right of the Defendant to be discharged if not effected within the Time herein-before limited.

11. That where a Defendant is in Custody for a Contempt in not answering, and shall be able to put in his Answer without taking an Office Copy of the Bill, he shall not be compellable to take any such Copy, but the proper Officer may (if he think the Defendant is of sufficient Ability to pay for an Office Copy, and an Office Copy ought by the Practice of the Court to be taken out,) require him, before the Answer is filed, to make an Affidavit denying his Ability in consequence of Poverty to pay for an Office Copy of the Bill.
12. That when any Person shall have been directed by any Decree or Order to execute any Deed or other Instrument, or make a Surrender or Transfer, and shall have refused or neglected to execute such Deed or Instrument, or to make such Surrender or Transfer, and shall have been committed to Prison under Process for such Contempt, or, being confined in Prison for any other Cause, shall have been charged with or detained under Process for such Contempt, and shall remain  
in

in such Prison, and the Court shall, under the Powers of an Act passed in the Fourth and Fifth Years of His present Majesty's Reign, have ordered one of the Masters to execute any Deed or other Instrument, Surrender or Transfer, for and in the Name of such Person, in every such Case, within Ten Days after the Execution or making of any such Deed or other Instrument, or Surrender or Transfer, Notice thereof shall be given by the adverse Solicitor to the Party in whose Name the same is executed or made; and such Party, as soon as the Deed or other Instrument, or Surrender or Transfer, shall be executed, made, levied, or suffered, shall be considered as having cleared his Contempt, except as far as regards the Payment of the Costs of the Contempt, and shall be entitled to be discharged therefrom under any of the Provisions of this Act applicable to his Case; and the Court shall make such Order as shall be just touching the Payment of the Costs of or attending any such Deed, Surrender, Instrument, or Transfer.

13. That where a Person shall be committed for a Contempt in not delivering to any Person or Persons, or depositing in Court or elsewhere, as by any Order may be directed, Books, Papers, or any other Articles or Things, any Sequestrator or Sequestrators appointed under any Commission of Sequestration shall have the same Power to seize and take such Books, Papers, Writings, or other Articles or Things, being in the Custody or Power of the Person against whom the Sequestration issues, as they would have over his own Property, and thereupon such Articles or Things so seized and taken shall be dealt with by the Court as shall be just; and after such Seizure it shall be lawful for the Court, upon the Application of the Prisoner, or of any other Person in the Cause or Matter, or upon any Report to be made in pursuance of this Act, to make such Order for the Discharge of the Prisoner, upon such Terms, and, if it shall see fit, making any Costs to be Costs in the Cause, as to the Court shall seem proper.
14. That in all Cases of Contempt, other than and besides those already provided for, where any Person or Persons is or are or shall at any Time hereafter be in Prison under or by reason of any Commitment or Attachment, the Court may, upon any such Application as last aforesaid, or upon any such Report as aforesaid, make such Order for the Discharge of the Prisoner from the Contempt, upon any such Terms, and making, if the Court shall see fit, any Costs to be Costs in the Cause, as to the Court shall seem proper, or except as to the Costs, for which Costs the Prisoner shall remain in Custody, but entitled to the Provisions herein-after contained if he be insolvent.
15. That wherever the Court shall, upon any such Report as aforesaid, or upon Investigation of the Case of a Prisoner by the Court itself, be of opinion that the Purposes of Justice will not be answered by his remaining any longer in Custody, or where it shall appear upon any such Report as aforesaid that any Person committed for a Contempt shall be entitled to his Discharge upon applying to the Court, but shall omit to make such Application, the Court may, either with his Assent or compulsorily, discharge such Person from the Contempt

and from Custody, and pay the Costs of the Contempt out of any Funds belonging to him over which the Court may have Power, or make them Costs in the Cause as against him, or may discharge him from the Contempt, but leave him in Custody for the Costs, which may be cleared, if he be insolvent, under the Provisions herein-after contained in that Behalf.

16. That where any Party obstinately retains Possession of Lands or other Real Property after a Writ of Execution of a Decree or an Order for Delivery of Possession has been duly served, and Demand of Possession made, and upon an Affidavit of such Service of the Writ of Execution, and of such Demand made thereunder, and a Refusal to comply therewith on the Part of the Person against whom the Writ issued, the Party issuing it shall be at liberty, upon an Affidavit of Service of the Writ of Execution, and Demand of Possession, and Refusal, to obtain the usual Order of Course for the Writ of Assistance to issue, and that the intermediate Writs of Attachment and Injunction, further commanding the Party to deliver Possession, or any other Writ, shall be unnecessary.
17. That in order to relieve Persons in Prisons from the Expence of taking Affidavits or Answers, the Lord High Chancellor do, by One or more Commission or Commissions under the Great Seal, upon or in respect of which no Fee shall be payable, nominate and appoint the Marshal, Keeper, or other Chief Officer of every Prison within the City of *Dublin*, or within Two Miles thereof, and their Deputies, to be Masters Extraordinary of the High Court of Chancery, for the Purpose of taking and receiving such Affidavits and Answers as any Person or Persons within any such Prison shall be willing or desirous to make, and for no other Purpose; and the Person so taking such Affidavit or Answer shall not in respect thereof be entitled to receive any Fee; and the Court of Exchequer shall in like Manner appoint such Persons as aforesaid a Commissioner or Commissioners of the said Court for the Purposes aforesaid, and no others, and without the Right to any Fee; and in every Case of an Answer being sworn in Prison a Clerk of the Deputy Keeper of the Rolls or of the Filazer of the Exchequer (as the Case may require) shall attend to take and carry back to and from the Prison the Answer, and shall in respect thereof be entitled to

XIII. And be it enacted, That the Discharge of any Prisoner adjudicated upon under the Authority of any Act now in force for the Relief of Insolvent Debtors in *Ireland*, or any Act which may hereafter be passed for the Relief of Insolvent Debtors, shall and may extend to all Process issuing from any Court of Equity for any Contempt of such Court for Nonpayment of Rent or Money, or of Costs, Charges, or Expences in any such Court, including the Costs of any Commitment or Attachment from which the Party shall have been discharged so far as regards the Contempt, but shall have been left liable to the Costs; and that in such Case the said Discharge shall be deemed to extend to all Costs which such Prisoner shall be liable to pay in consequence or by reason of such Contempt, or on purging the same; and that every Discharge,

Discharge may extend to Process for Contempt in Non-payment of Money, and to Costs incurred by Creditor, but subject to Taxation.

so adjudicated as aforesaid, as to any Debt or Damages of any Creditor of such Prisoner, shall be deemed to extend also to all Costs incurred by such Creditor, before the filing of such Prisoner's Schedule, in any Action or Suit brought by such Creditor against such Prisoner for the Purpose, for the Recovery of the same; and that all Persons as to whose Demands for any such Costs, Money, or Expences any such Person shall be so adjudged to be discharged, shall be deemed and taken to be Creditors of such Prisoner in respect thereof, and entitled to the Benefits of all the Provisions made for Creditors by the said Act or any future Act, subject nevertheless to such ascertaining of the Amount of the said Demands as may be had by Taxation or otherwise, and to such Examination thereof as is in the said last-mentioned Act or as shall be in any future Act provided in respect of all Claim to a Dividend of such Insolvent's Estate and Effects.

When Process of Contempt is for Nonperformance of an Act.

XIV. And be it further enacted, That where the Process of Contempt is for the Nonperformance of an Act, for example, the not answering a Plaintiff's Bill, and the Bill in Equity to which the Insolvent is a Party is taken *pro Confesso*, and he has not paid the Costs of the Contempt, or the Insolvent has fully answered the Plaintiff's Bill or Interrogatories, or otherwise cleared his Contempt except as far as regards the Payment of the Costs, or it has become in event unnecessary for him to do the Act for the Nonperformance of which he was committed or attached, the Court of Equity in which the Suit is depending shall, upon the Application of the Party in Contempt, discharge him from the same, except as to the Costs thereof, for which he shall remain in Custody, and such Costs shall be deemed within the Provision herein-before contained, and he shall be dischargeable therefrom and from the Process of Contempt, in like Manner as if the Process of Contempt were for Nonpayment of Money or Costs; provided that this Order or Regulation shall not weaken any of the other Powers by this Act given, nor shall any thing herein contained lessen the Operation of the said Act for the Relief of Insolvent Debtors.

Powers given by this Act to the Court of Chancery to extend to the Lord Keeper and Master of the Rolls.

XV. And be it further enacted, That the Powers and Authorities given by this Act to the Court of Chancery, or to the Lord Chancellor of *Ireland*, shall and may be exercised as well by such Lord Chancellor as by (and they are hereby given to) the Lord Keeper or Commissioners of the Great Seal of *Ireland* for the Time being, and to the Master of the Rolls; but the Reports of the Marshal of the Marshalsea, and of the Masters visiting there, shall be made to the Lord Chancellor, Lord Keeper, or Lords Commissioners only, who alone are to make Orders thereupon for Discharge or Relief of Prisoners.

Foregoing Rules to be adopted by the Court of Exchequer.

XVI. And be it further enacted, That the Rules herein-before directed to be adopted by the Court of Chancery shall be adopted by the Court of Exchequer, which Court shall, for the Purposes of this Act, draw upon the Suitors Fund of that Court.

Powers contained in such Rules may be exercised by the Court of Exchequer.

XVII. And be it further enacted, That the Powers and Authorities contained in such last-mentioned Rules, and given by this Act to the Lord Chancellor, shall and may be exercised in like Manner by and are hereby given to His Majesty's Court of Exchequer and may be exercised by the said Court, or by the Lord Chief Baron thereof; but such periodical Visits only to be made to the said

said Marshalsea, in regard to Prisoners for Contempt of the said Court, as the Lord Chief Baron shall direct, and by such Officer or Officers of the Court as he shall nominate.

XVIII. And be it further enacted, That wherever this Act, in describing or referring to any Person, or any Conveyance, Transfer, Matter, or Thing, uses the Word importing the Singular Number or the Masculine Gender only, the same shall be understood to include and shall be applied to several Persons as well as One Person, and Females as well as Males, and Bodies Corporate as well as Individuals, and several Conveyances, Transfers, Matters, or Things respectively, as well as One Conveyance, Transfer, Matter, or Thing respectively, unless there be something in the Subject or Context repugnant to such Construction.

Rule for the Interpretation of this Act.

XIX. Provided always, That nothing in this Act contained shall annul or vary the Provisions of an Act of the Seventh Year of George the Second, relating to Ireland, intituled *An Act for the Relief of Mortgagees, and for making the Process in Courts of Equity more effectual against Mortgagors who abscond and cannot be served therewith, and against Persons who being served refuse to appear; and also for better regulating the Payment of the Fees of Attornies and Solicitors*; or of an Act of the Second Year of His present Majesty, intituled *An Act to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in England and Ireland respectively*; or of an Act of the Fourth and Fifth of His present Majesty, intituled *An Act to amend and extend an Act of the Second Year of His present Majesty, to effectuate the Service of Process issuing from the Courts of Chancery and Exchequer in England and Ireland*; or of an Act of the Fourth and Fifth Years of His present Majesty, intituled *An Act for the Amendment of the Proceedings and Practice of the High Court of Chancery in Ireland*; or any of them, except so far as they are inconsistent with any of the Provisions of this Act.

This Act not to annul Provisions of 7 G. 2. (I.)  
2 W. 4. c. 33.  
4 & 5 W. 4. c. 82.  
4 & 5 W. 4. c. 78.

## CAP. XVII.

An Act to extend to Ireland certain Provisions of an Act made and passed in the First Year of His present Majesty's Reign, intituled *An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Lunatics, and Persons of unsound Mind.* [30th July 1835.]

See 1 & 2 c. 62

‘ WHEREAS by an Act passed in the Parliament of Ireland in the Eleventh Year of the Reign of Queen Anne, intituled *An Act to enable Guardians and others to renew Leases for Lives,* certain Provisions were made in that Behalf: And whereas by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for consolidating and amending the Laws relating to Property belonging to Infants, Femes Covert, Idiots, Lunatics, and Persons of unsound Mind,* after reciting the said Act, and that it was expedient that the Provisions thereof, which had been so long in force in Ireland, should remain unaltered, it was enacted, that the Clauses and Provisions contained in the said therein recited Act should be and continue in force in the same Manner, to all Intents and Purposes, as if the said

11 Ann. (I.)

1 W. 4. c. 65.

‘ Clauses



‘ Clauses and Provisions and every Part thereof had been repeated  
 ‘ and re-enacted in the said Act, and that none of the other Pro-  
 ‘ visions in the said Act contained for authorizing any Surrenders  
 ‘ to be accepted, or any new Lease to be made or executed, for or  
 ‘ on behalf of any Person who, in pursuance of any Covenant or  
 ‘ Agreement for Renewal in any Lease contained or to be con-  
 ‘ tained, ought to make such new Lease or Leases, should extend  
 ‘ or be construed to extend to Lands in *Ireland*: And whereas the  
 ‘ said Act of the Eleventh Year of the Reign of Queen *Anne* does  
 ‘ not contain any Provision for the Renewal of Leases for Terms  
 ‘ of Years: And whereas by the said Act of the First Year of His  
 ‘ present Majesty’s Reign it is enacted, that where any Person  
 ‘ being under the Age of Twenty-one Years, or a Feme Covert,  
 ‘ might, in pursuance of any Covenant or Agreement, if not under  
 ‘ Disability, be compelled to renew any Lease made or to be made  
 ‘ for the Life or Lives of One or more Person or Persons, or for  
 ‘ any Term or Number of Years absolute, or determinable on the  
 ‘ Death of One or more Person or Persons, it shall be lawful to  
 ‘ and for such Infant, or his Guardian in the Name of such Infant,  
 ‘ or such Feme Covert, by the Direction of the Court of Chancery,  
 ‘ to be signified by an Order to be made in a summary Way upon  
 ‘ Petition of such Infant or his Guardian, or of such Feme Covert,  
 ‘ or of any Person entitled to such Renewal, from Time to Time  
 ‘ to accept of a Surrender of such Lease, and to make and execute  
 ‘ a new Lease of the Premises comprised in such Lease for and  
 ‘ during such Number of Lives, or for such Term or Terms deter-  
 ‘ minable upon such Number of Lives, or for such Term of Years  
 ‘ absolute, as was or were mentioned in the Lease so surrendered  
 ‘ at the making thereof, or otherwise as the Court by such Order  
 ‘ shall direct: And whereas by the said Act it is further enacted,  
 ‘ that where any Person, being lunatic, is or shall be entitled or has  
 ‘ a Right, or, in pursuance of any Covenant or Agreement, might,  
 ‘ if not under Disability, be compelled to renew any Lease made or  
 ‘ to be made for the Life or Lives of One or more Person or  
 ‘ Persons, or for any Term or Number of Years absolute, or deter-  
 ‘ minable on the Death of One or more Person or Persons, or other-  
 ‘ wise, it shall be lawful to and for the Committee of the Estate of  
 ‘ such Lunatic, in the Name of such Lunatic, by the Direction of  
 ‘ the Lord Chancellor, intrusted as therein stated, to be signified by  
 ‘ an Order to be made in a summary Way upon the Petition of  
 ‘ such Committee or of any Person entitled to such Renewal, from  
 ‘ Time to Time to accept of a Surrender of such Lease, and to  
 ‘ make and execute to any Person a new Lease of the Premises  
 ‘ comprised in such Lease to be surrendered by virtue of the said  
 ‘ Act, for and during such Number of Lives, or for such Term or  
 ‘ Terms of Years determinable upon such Number of Lives, or  
 ‘ for such Term or Terms absolute, as were mentioned or contained  
 ‘ in such Lease so surrendered at the making thereof, or otherwise,  
 ‘ as the Lord Chancellor, intrusted as aforesaid, by such Order  
 ‘ shall direct: And whereas it is deemed expedient that the Powers  
 ‘ of the Courts of Chancery and Exchequer in *Ireland* over Land in  
 ‘ *Ireland* should in the respects aforesaid be as large as the Powers  
 ‘ by the before-mentioned Act given to the Courts of Chancery and  
 ‘ Exchequer in *England* over Lands there:’ Be it therefore enacted  
 by

by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Eleventh Year of the Reign of Queen *Anne*, and so much of the said Act of the First Year of the Reign of His present Majesty as re-enacts the Provisions in the said last-mentioned Act contained, shall be and the same are hereby repealed (except as to such Proceedings under the same as shall have been commenced before the passing of this Act, and which may be proceeded in according to the Provisions of the said recited Acts, or according to the Provisions of this Act, as shall be thought expedient).

Recited Act of 11 Ann. (I.) and so much of 1 W. 4. c. 65. as re-enacts the Provisions of that Act repealed, except, &c.

II. And be it further enacted, That the several Clauses and Enactments in the said Act of the First Year of the Reign of His present Majesty contained, and herein-before particularly recited, relating to *England*, shall be deemed and construed to extend and the same are hereby extended to *Ireland*, and the Powers and Authorities thereby given shall and may henceforth be exercised by the Courts of Chancery and Exchequer in *Ireland*, in relation to Land there, as fully and effectually as the same can be exercised by the Courts of Chancery and Exchequer in *England* with respect to Land in *England*, and in the same Manner in all respects as if the same Clauses and Enactments had by the said Act of the First Year of the Reign of His present Majesty been extended to *Ireland*; and the Word "Land" shall in this Act have the same Signification as by the said recited Act is given to it.

Clauses, &c. of 1 W. 4. c. 65. herein-before particularly recited, extended to Ireland.

### CAP. XVIII.

An Act to exempt Carriages carrying Manure from Toll.  
[30th July 1835.]

‘ WHEREAS Disputes have arisen as to the Exemption from Toll for Horses and Carriages when employed in carrying or conveying Manure for improving Lands:’ Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and thirty-six no Toll shall be demanded or taken on any Turnpike Road for or in respect of any Horse, Beast, Cattle, or Carriage, when employed in carrying or conveying only Dung, Soil, Compost, or Manure for Land, (save and except Lime,) and the necessary Implements used for filling the Manure, and the Cloth that may have been used in covering any Hay, Clover, or Straw which may have been conveyed.

After 1st January 1836 no Toll to be taken for Manure, save and except Lime.

II. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to exempt any Waggon, Cart, or other Carriage laden with Dung or Manure for manuring Land, or any Horse or other Beast drawing the same, from any Toll imposed in respect thereof by virtue of any Local Act or Acts now passed whereby such Toll has been imposed for the Maintenance of the Roads therein respectively mentioned.

Nothing herein to exempt from Toll imposed by any Local Act.

III. ‘ And whereas there are many Persons who are now Contractors for Turnpike Tolls, and whose Leases or Contracts will not

Power to vacate Leases.

‘ not expire until after the said First Day of *January* One thousand eight hundred and thirty-six, but who, by reason of this Act, may be desirous of terminating their said Leases or Contracts;’ be it therefore enacted, That it may be lawful for any Lessee or Contractor for Tolls whose Lease or Contract shall not expire until after the said First Day of *January* One thousand eight hundred and thirty-six, at any Time within Twenty-one Days after the passing of this Act, to give Notice to the Clerk or Treasurer of such Turnpike Road of his or her Intention to vacate such Lease or Contract on the said First Day of *January* One thousand eight hundred and thirty-six, upon which Day such Lease or Contract shall expire accordingly.

Act not to extend to Scotland or Ireland.

IV. And be it further enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland*.

### CAP. XIX.

An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the Men engaged in that Service. [30th *July* 1835.]

‘ WHEREAS the Prosperity, Strength, and Safety of this United Kingdom and of His Majesty’s Dominions do principally depend on a large, constant, and ready Supply of Seamen, as well for carrying on the Commerce as for the Defence thereof; and it is therefore necessary to aid by all practicable Means the Increase of the Number of such Seamen, and to give them all due Encouragement and Protection, and to this End to amend and consolidate the Laws relating to their Regulation and Government:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of *July* One thousand eight hundred and thirty-five, from which Day this Act shall commence and take effect, an Act passed in the Second Year of the Reign of Her late Majesty Queen *Anne*, for the Increase of Seamen, and better Encouragement of Navigation, and Security of the Coal Trade; and also an Act passed in the Second Year of the Reign of His late Majesty King *George* the Second, for the better Regulation and Government of the Seamen in the Merchant Service; and also an Act passed in the Second Year of the Reign of His late Majesty King *George* the Third, for making perpetual the last-mentioned Act, and for extending the Provisions thereof to His Majesty’s Colonies in *America*; and also an Act passed in the Thirty-first Year of the Reign of His said Majesty King *George* the Third, for the better Regulation and Government of Seamen employed in the Coasting Trade of this Kingdom; and also an Act passed in the Forty-fifth Year of the Reign of His said late Majesty, for amending the last-mentioned Act; and also an Act passed in the Thirty-seventh Year of the Reign of His said Majesty King *George* the Third, for preventing the Desertion of Seamen from *British* Merchant Ships trading to His Majesty’s Colonies and Plantations

After 31st July 1835 the Acts 2 & 3 Ann. c. 6.

2 G. 2. c. 36.

2 G. 3. c. 31.

31 G. 3. c. 39.

45 G. 3. c. 81.

37 G. 3. c. 73.

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in the *West Indies*; and also an Act passed in the Fifty-eighth Year of the Reign of His said late Majesty King *George* the Third, to extend and render more effectual the Regulations for the Relief of Seafaring Men and Boys, Subjects of the United Kingdom, in Foreign Parts; and also an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, for regulating the Number of Apprentices to be taken on board *British* Merchant Vessels, and for preventing the Desertion of Seamen therefrom; and also an Act passed in the Fourth Year of His present Majesty's Reign, for continuing an Act of the Fifty-ninth Year of King *George* the Third, for facilitating the Recovery of the Wages of Seamen in the Merchant Service, shall be and the same are hereby declared to be repealed: Provided always, that all Offences which shall have been committed and all Penalties and Forfeitures which shall have been incurred previous to the Commencement of this Act, against the Provisions of the said Acts, shall and may be punishable and recoverable under the said Acts as if the same had not been repealed.

58 G. 3. c. 38.

4 G. 4. c. 25.

3 & 4 W. 4. c. 88.  
and  
59 G. 3. c. 58.  
shall be repealed.

II. And be it further enacted, That it shall not be lawful for any Master of any Ship or Vessel belonging to any Subject of His Majesty of this United Kingdom trading to Parts beyond the Seas, or of any *British* registered Ship of the Burthen of Eighty Tons or upwards employed in any of the Fisheries of the United Kingdom, or in trading Coastwise or otherwise, to carry to Sea on any Voyage, either from this Kingdom or from any other Place, any Seaman or other Person as one of his Crew or Complement (Apprentices excepted), without first entering into an Agreement in Writing with every such Seaman, specifying what monthly or other Wages each such Seaman is to be paid, the Capacity in which he is to act, and the Nature of the Voyage in which the Ship is intended to be employed, so that the Seaman may have some Means of judging of the probable Period for which he is likely to be engaged; and the said Agreement shall contain the Day of the Month and Year in which the same shall be made, and shall be signed by the Master in the first instance, and by the Seamen respectively at the Port or Place where such Seamen shall be respectively shipped; and the Master shall cause the same to be, by or in the Presence of the Party who is to attest their respective Signatures thereto, truly and distinctly read over to every such Seaman before he shall be required to sign the same, in order that he may be enabled to understand the Purport and Meaning of the Engagement he enters into and the Terms to which he is bound.

No Seaman to  
be taken to Sea  
without a writ-  
ten Agreement.

III. And be it further enacted, That in the Cases of Ships as aforesaid bound to Parts beyond the Seas, except as herein-after provided, every such Agreement shall be in the Form and shall contain true Entries under their respective Heads of the several Particulars set forth in the Schedule to this Act annexed and marked (A.), so far as the same can be ascertained; and that the Owners and the Master of every such Ship, or one of them, shall, on reporting his Ship's Arrival at her Port of Destination in the United Kingdom, deposit or cause to be deposited with the Collector or Comptroller of the Customs at such Port a true Copy of such Agreement, attested by the Signature of the Master, to the Intent that every Person who may be interested in any such Agree-

Regulations  
respecting  
Forms of  
Agreements.

ment may at all Times have the Means of knowing the Terms and Conditions thereof; and that in the Cases of Ships employed in fishing on the Coasts of the United Kingdom, and of Ships regularly trading from one Part of the United Kingdom to another, and of Ships regularly trading or making regular Voyages to any of the Islands of *Jersey, Guernsey, Alderney, Sark, and Man*, or to any Port on the Continent of *Europe* between the River *Elbe* inclusive and *Brest*, the Agreement to be entered into as aforesaid shall be in the Form and shall contain true Entries under their respective Heads of the Particulars set forth in the Schedule to this Act annexed and marked (B.), so far as the same can be ascertained; and that the Owner or One of the Owners of every such Ship employed in fishing or in trading in any of the Cases last mentioned shall to the like Intent, within Ten Days next after the Expiration of every Six Months ending on the Thirtieth Day of *June* and the Thirty-first Day of *December* in each Year, deposit with the Collector or Comptroller of the Customs of the Port to which the Ship shall belong a true Copy of every Agreement which shall have been entered into with any Person composing Part of the Crew thereof within the preceding Six Months, attested by the Signature of such Owner; and all Copies of Agreements so required by this Act to be deposited as aforesaid shall, when the same shall have been so deposited, and shall be required to be produced in Evidence on the Part of any Seaman, be received and taken as legal Proof of the Contents of the Agreement.

Penalty for  
Default.

IV. And be it further enacted, That if any Master of any such Ship as aforesaid shall carry out to Sea any Seaman (Apprentices excepted) without having first entered into such Agreement as is hereby required, he shall for every such Offence forfeit and pay the Sum of Ten Pounds for or in respect of each and every such Seaman he shall so carry out contrary to this Act; and if any Master shall neglect to cause the Agreement to be distinctly read over to each such Seaman, as by this Act he is enjoined, he shall for every such Neglect forfeit and pay the Sum of Five Pounds; and if any Master shall neglect to deposit with the Collector or Comptroller of the Customs a Copy of the Agreement hereby required to be made and deposited as aforesaid, or shall wilfully deposit a false Copy of any such Agreement, he shall for every such Neglect or Offence forfeit and pay the Sum of Fifty Pounds.

Seamen not to  
be deprived of  
legal Remedy.

V. And be it further enacted, That no Seaman, by entering into or signing such Agreement as aforesaid, shall forfeit his Lien upon the Ship, nor be deprived of any Remedy for the Recovery of his Wages which Seamen are now lawfully entitled to against either the Ship, the Master or the Owners thereof; nor shall any Agreement made contrary to or inconsistent with the Provisions of this Act, or any Clause whereby a Seaman shall consent to forego the Right which the Maritime Law gives him to Wages in the Case of Freight earned by Ships subsequently lost, or containing any Words to that Effect, be valid or binding on any Seaman signing the same; and that in Cases in which it may be necessary that the Agreement should be produced to sustain a Claim on the Part of a Seaman no Obligation shall lie upon the Seaman to produce the same, nor shall any Seaman fail in any Suit or Proceeding for the Recovery of his Wages for Want of the Production

No Agreement  
contrary to the  
Act to be valid.

Seamen not  
bound to pro-  
duce Agree-  
ment.

of any such Agreement, or of any deposited Copy thereof as aforesaid, or for the Want of any Notice to produce the same; any Law or Usage to the contrary notwithstanding.

VI. And be it further enacted, That in case a Seaman shall at any Time, after having signed an Agreement as herein-before mentioned, neglect or refuse to join the Ship on board of which he shall have engaged to serve, or shall refuse to proceed to Sea in her, or shall absent himself therefrom without Leave, it shall be lawful for any Justice of the Peace in any of His Majesty's Dominions at Home or Abroad near to the Place where such Ship shall happen to be, upon Complaint of the Fact made upon Oath by the Master, Mate, or Owner thereof, and such Justice is hereby required, by his Warrant to cause such Seaman to be apprehended and brought before him; and in case such Seaman shall not give a Reason to the Satisfaction of such Justice for his Neglect, Refusal, or Absence, as the Case may be, upon due Proof of such Neglect, Refusal, or Absence it shall be lawful for any such Justice to commit such Seaman to the House of Correction, there to be kept to hard Labour for a Period not exceeding Thirty Days: Provided always, that in case such Seaman, on being apprehended and brought before the said Justice, shall consent to join the Ship and proceed on the Voyage for which he shall have agreed, it shall be lawful for the said Justice at the Request of the Master, instead of committing such Seaman, to cause him to be conveyed on board the said Ship, or to be delivered to the Master for the Purpose of proceeding on the Voyage, and also to award to the Master such Costs incurred in the Apprehension of the Seaman as to such Justice shall seem reasonable, not exceeding in any Case the Sum of Forty Shillings, which shall be chargeable against and may be abated from the Wages to grow due to such Seaman.

Seamen refusing to join or to proceed in the Ship, or absenting themselves therefrom, may be committed to Gaol.

VII. And be it further enacted, That if any Seaman, after having signed such Agreement as aforesaid, or after the Ship on board which he shall have agreed to serve shall have left her first Port of Clearance, and before the Period for which he shall have agreed to serve shall be completed, shall wilfully and without Leave absent himself from the Ship, or otherwise from his Duty, he shall (in all Cases not of absolute Desertion, or not treated as such by the Master,) forfeit out of his Wages to the Master or Owner of such Ship the Amount of Two Days pay for every Twenty-four Hours of such Absence, and in a like Proportion for any less Period of Time, or, at the Option of the said Master, the Amount of such Expences as shall have been necessarily incurred in hiring a Substitute to perform his Work; and in case any Seaman while he shall belong to the Ship shall without sufficient Cause neglect to perform such his Duty as shall be reasonably required of him by the Master or other Person in Command of the Ship, he shall be subject to a like Forfeiture in respect of every such Offence, and of every Twenty-four Hours Continuance thereof; and in case any such Seaman, after having signed such Agreement, or after the Ship's Arrival at her Port of Delivery, and before her Cargo shall be discharged, shall quit the Ship without a previous Discharge or Leave from the Master thereof, he shall forfeit to the Master or Owner One Month's Pay out of his Wages: Provided always, that no such Forfeitures shall be incurred unless the Fact of

Forfeiture for temporary Absence from Duty.

ment may at all Times have the Means of knowing the Terms and Conditions thereof; and that in the Cases of Ships employed in fishing on the Coasts of the United Kingdom, and of Ships regularly trading from one Part of the United Kingdom to another, and of Ships regularly trading or making regular Voyages to any of the Islands of *Jersey, Guernsey, Alderney, Sark, and Man*, or to any Port on the Continent of *Europe* between the River *Elbe* inclusive and *Brest*, the Agreement to be entered into as aforesaid shall be in the Form and shall contain true Entries under their respective Heads of the Particulars set forth in the Schedule to this Act annexed and marked (B.), so far as the same can be ascertained; and that the Owner or One of the Owners of every such Ship employed in fishing or in trading in any of the Cases last mentioned shall to the like Intent, within Ten Days next after the Expiration of every Six Months ending on the Thirtieth Day of *June* and the Thirty-first Day of *December* in each Year, deposit with the Collector or Comptroller of the Customs of the Port to which the Ship shall belong a true Copy of every Agreement which shall have been entered into with any Person composing Part of the Crew thereof within the preceding Six Months, attested by the Signature of such Owner; and all Copies of Agreements so required by this Act to be deposited as aforesaid shall, when the same shall have been so deposited, and shall be required to be produced in Evidence on the Part of any Seaman, be received and taken as legal Proof of the Contents of the Agreement.

Penalty for  
Default.

IV. And be it further enacted, That if any Master of any such Ship as aforesaid shall carry out to Sea any Seaman (Apprentices excepted) without having first entered into such Agreement as is hereby required, he shall for every such Offence forfeit and pay the Sum of Ten Pounds for or in respect of each and every such Seaman he shall so carry out contrary to this Act; and if any Master shall neglect to cause the Agreement to be distinctly read over to each such Seaman, as by this Act he is enjoined, he shall for every such Neglect forfeit and pay the Sum of Five Pounds; and if any Master shall neglect to deposit with the Collector or Comptroller of the Customs a Copy of the Agreement hereby required to be made and deposited as aforesaid, or shall wilfully deposit a false Copy of any such Agreement, he shall for every such Neglect or Offence forfeit and pay the Sum of Fifty Pounds.

Seamen not to  
be deprived of  
legal Remedy.

No Agreement  
contrary to the  
Act to be valid.

V. And be it further enacted, That no Seaman, by entering into or signing such Agreement as aforesaid, shall forfeit his Lien upon the Ship, nor be deprived of any Remedy for the Recovery of his Wages which Seamen are now lawfully entitled to against either the Ship, the Master or the Owners thereof; nor shall any Agreement made contrary to or inconsistent with the Provisions of this Act, or any Clause whereby a Seaman shall consent to forego the Right which the Maritime Law gives him to Wages in the Case of Freight earned by Ships subsequently lost, or containing any Words to that Effect, be valid or binding on any Seaman signing the same; and that in Cases in which it may be necessary that the Agreement should be produced to sustain a Claim on the Part of a Seaman no Obligation shall lie upon the Seaman to produce the same, nor shall any Seaman fail in any Suit or Proceeding for the Recovery of his Wages for Want of the Production

Seamen not  
bound to pro-  
duce Agree-  
ment.

of any such Agreement, or of any deposited Copy thereof as aforesaid, or for the Want of any Notice to produce the same; any Law or Usage to the contrary notwithstanding.

VI. And be it further enacted, That in case a Seaman shall at any Time, after having signed an Agreement as herein-before mentioned, neglect or refuse to join the Ship on board of which he shall have engaged to serve, or shall refuse to proceed to Sea in her, or shall absent himself therefrom without Leave, it shall be lawful for any Justice of the Peace in any of His Majesty's Dominions at Home or Abroad near to the Place where such Ship shall happen to be, upon Complaint of the Fact made upon Oath by the Master, Mate, or Owner thereof, and such Justice is hereby required, by his Warrant to cause such Seaman to be apprehended and brought before him; and in case such Seaman shall not give a Reason to the Satisfaction of such Justice for his Neglect, Refusal, or Absence, as the Case may be, upon due Proof of such Neglect, Refusal, or Absence it shall be lawful for any such Justice to commit such Seaman to the House of Correction, there to be kept to hard Labour for a Period not exceeding Thirty Days: Provided always, that in case such Seaman, on being apprehended and brought before the said Justice, shall consent to join the Ship and proceed on the Voyage for which he shall have agreed, it shall be lawful for the said Justice at the Request of the Master, instead of committing such Seaman, to cause him to be conveyed on board the said Ship, or to be delivered to the Master for the Purpose of proceeding on the Voyage, and also to award to the Master such Costs incurred in the Apprehension of the Seaman as to such Justice shall seem reasonable, not exceeding in any Case the Sum of Forty Shillings, which shall be chargeable against and may be abated from the Wages to grow due to such Seaman.

Seamen refusing to join or to proceed in the Ship, or absenting themselves therefrom, may be committed to Gaol.

VII. And be it further enacted, That if any Seaman, after having signed such Agreement as aforesaid, or after the Ship on board of which he shall have agreed to serve shall have left her first Port of Clearance, and before the Period for which he shall have agreed to serve shall be completed, shall wilfully and without Leave absent himself from the Ship, or otherwise from his Duty, he shall (in all Cases not of absolute Desertion, or not treated as such by the Master,) forfeit out of his Wages to the Master or Owner of such Ship the Amount of Two Days pay for every Twenty-four Hours of such Absence, and in a like Proportion for any less Period of Time, or, at the Option of the said Master, the Amount of such Expences as shall have been necessarily incurred in hiring a Substitute to perform his Work; and in case any Seaman while he shall belong to the Ship shall without sufficient Cause neglect to perform such his Duty as shall be reasonably required of him by the Master or other Person in Command of the Ship, he shall be subject to a like Forfeiture in respect of every such Offence, and of every Twenty-four Hours Continuance thereof; and in case any such Seaman, after having signed such Agreement, or after the Ship's Arrival at her Port of Delivery, and before her Cargo shall be discharged, shall quit the Ship without a previous Discharge or Leave from the Master thereof, he shall forfeit to the Master or Owner One Month's Pay out of his Wages: Provided always, that no such Forfeitures shall be incurred unless the Fact of

Forfeiture for temporary Absence from Duty.



the Seaman's temporary Absence, Neglect of Duty, or quitting the Ship shall be duly entered or recorded in the Ship's Log Book, which Entry shall specify truly the Hour of the Day at which the same shall have occurred, and the Period during which the Seaman was absent or neglected his Duty, the Truth of which Entry it shall be incumbent on the Owner or Master in all Cases of Dispute to substantiate by the Evidence of the Mate or some other credible Witness.

How Amount of Forfeiture is to be ascertained when Seamen contract for the Voyage.

VIII. And be it further enacted, That in all Cases where the Seaman shall have contracted for Wages by the Voyage or by the Run, and not by the Month or other stated Period of Time, the Amount of Forfeitures to be incurred by Seamen under this Act shall be ascertained in manner following; (that is to say,) if the whole Time spent in the Voyage agreed upon shall exceed One Calendar Month, the Forfeiture of One Month's Pay, expressed in this Act, shall be accounted and taken to be a Forfeiture of a Sum of Money bearing the same Proportion to the whole Wages as a Calendar Month shall bear to the whole Time spent in the Voyage, and in like Manner a Forfeiture of Two Days Pay or less shall be accounted and taken to be a Forfeiture of a Sum bearing the same Proportion to the whole Wages as the same Period of Time shall bear to the whole Time spent in the Voyage; and if the whole Time spent in the Voyage shall not exceed One Calendar Month, the Forfeiture of One Month's Pay shall be accounted and taken to be a Forfeiture of the whole Wages contracted for; and if such Time shall not exceed Two Days, the Forfeiture of Two Days Pay shall be accounted and taken to be a Forfeiture of the whole Wages contracted for; and the Master is hereby authorized to abate the Amount of all Forfeitures herein-before enacted out of the Wages of any Seaman incurring the same.

Forfeiture for Desertion.

IX. And be it further enacted, That every Seaman who shall absolutely desert the Ship to which he shall belong shall forfeit to the Owner or Master thereof all his Clothes and Effects which he may leave on board, and all Wages and Emoluments to which he might otherwise be entitled, provided the Circumstances attending such Desertion be entered in the Log Book at the Time, and certified by the Signature of the Master and Mate or other credible Witness; and that an Absence of a Seaman from the Ship for any Time within the Space of Twenty-four Hours immediately preceding the sailing of the Ship without Permission from the Master thereof, or for any Period however short, under Circumstances plainly showing that it was his Intention not to return thereto, shall be deemed an absolute Desertion; and in case any such Desertion shall take place in Parts beyond the Seas, and the Master of the Ship shall be under the Necessity of engaging any Seaman as a Substitute for the Deserter at a higher Rate of Wages than that stipulated in the Agreement to be paid to the Seaman deserting, the Owner or Master of the Ship shall be entitled to recover from the Deserter by summary Proceeding, in the same Manner as Wages are by this Act made recoverable, any Excess of Wages which such Owner or Master shall pay to such Substitute beyond the Amount which would have been payable to the Deserter in case he had duly performed his Service pursuant to his Agreement.

Increased Wages paid in consequence of Desertion recoverable from the Deserter.

X. And

X. And be it further enacted, That if any Person shall, either on Shipboard or on Shore, harbour or secrete a Seaman who shall have signed an Agreement to proceed on a Voyage to Parts beyond the Seas, and shall have deserted or absented himself without Leave from his Ship, knowing or having Reason to believe him to be a Deserter or to be absent without Leave, every Person so offending shall for every such Seaman so harboured or secreted forfeit and pay the Sum of Ten Pounds; and that no Debt exceeding in Amount Five Shillings, incurred by any Seaman after he shall have signed any such Agreement as aforesaid, shall be recoverable until the Voyage agreed for shall have been concluded; nor shall it be lawful for any Keeper of a Public House or of a Lodging House for Seamen to withhold or detain any Chest, Bed or Bedding, Clothes, Tools, or other Effects of any Seaman, for any pretended Debt alleged to have been contracted by any such Seaman; and in case any such Chest, Bed, Bedding, Clothes, Tools, or other Effects as aforesaid shall be withheld or detained contrary to this Act, it shall be lawful for any Justice of the Peace in any Part of His Majesty's Dominions, upon Complaint upon Oath to be made by any such Seaman or on his Behalf, to inquire into the Matter, and if he shall see right by Warrant under his Hand and Seal to cause any such Property or Effects so withheld or detained contrary to this Act to be seized and delivered over to the Seaman.

Penalty for  
harbouring  
Deserters.

No Debt  
exceeding 5s.  
recoverable from  
a Seaman till  
Voyage is  
ended.

Seamen's  
Effects not to be  
detained by  
Keepers of  
Lodging Houses  
under Pretence  
of Debt.

XI. And be it further enacted, That the Master or Owner of every Ship shall and he is hereby required to pay to every Seaman entering into such Contract as aforesaid his Wages, if the same shall be demanded, within the respective Periods following; (that is to say,) if the Ship shall be employed in trading Coastwise, the Wages shall be paid within Two Days after the Termination of the Agreement, or at the Time when any such Seaman shall be discharged, whichever shall first happen; and if the Ship shall be employed in trading otherwise than Coastwise, then the Wages shall be paid at the latest within Three Days after the Cargo shall have been delivered, or within Ten Days after the Seaman's Discharge, whichever shall first happen; in either of which last-mentioned Cases of Payment being delayed the Seaman shall at the Time of his Discharge be entitled to be paid on Account a Sum equal to One Fourth Part of the estimated Balance due to him; and in case any Master or Owner shall neglect or refuse to make Payment in manner aforesaid he shall for every such Neglect or Refusal forfeit and pay to the Seaman the Amount of Two Days Pay for each Day not exceeding Ten Days during which Payment shall without sufficient Cause be delayed beyond the Period at which such Wages or Part Wages are hereby required to be paid as aforesaid, for the Recovery of which Forfeiture the Seamen shall have the same Remedies as he is by Law entitled to for the Recovery of his Wages: Provided always, that nothing in this Clause contained shall extend to the Cases of Ships employed in the Southern Whale Fishery, or on Voyages for which Seamen by the Terms of their Agreement are compensated by Shares in the Profits of the Adventure.

The Period  
within which  
Wages are to be  
paid.

XII. And be it enacted and declared, That every such Payment of Wages to a Seaman shall be valid and effectual in Law notwithstanding any Bill of Sale or Assignment which may have been

Such Payment  
of Wages to be  
deemed valid,  
notwithstanding  
Bill of Sale, &c

made by any such Seaman of such Wages, or of any Attachment or Incumbrance thereon; and that no Assignment or Sale of Wages made prior to the Earning thereof, nor any Power of Attorney expressed to be irrevocable for the Receipt of any such Wages, shall be valid or binding upon the Party making the same.

Masters to give Seamen their Certificates on their Discharge.

XIII. And be it further enacted, That upon the Discharge of a Seaman from the Ship in which he shall have served he shall be entitled to receive from the Master a Certificate of his Service and Discharge, specifying the Period of Service and the Time and Place of the Discharge of such Seaman, which Certificate shall be signed by the Master; and if any Master shall refuse to give such Certificate to any such Seaman without having reasonable Cause for his Refusal, he shall for every such Offence forfeit and pay to him the Sum of Five Pounds.

Penalty for default.

For obtaining immediate Payment of Wages of Seamen in certain Cases.

XIV. And be it further enacted, That if after a Seaman shall have been discharged from any Ship or Vessel Three Days he shall be desirous of proceeding to Sea on another Voyage, and in order thereto shall require immediate Payment of the Wages due to him, it shall be lawful for any Justice of the Peace in any Part of His Majesty's Dominions, on Application from such Seaman, and on satisfactory Proof that he would be prevented from Employment by Delay, to summon the Master or Owner of such Ship or Vessel before him, and to require Cause to be shown why immediate Payment of such Wages should not be made; and if it shall appear to the Satisfaction of such Justice that there is no reasonable Cause for Delay he shall order Payment to be made forthwith, and in default of Compliance with such Order such Master or Owner shall forfeit and pay the Sum of Five Pounds.

Summary Mode of recovering Wages not exceeding 20l.

XV. ' And whereas Seamen, in Cases of Dispute, may be exposed to great Inconvenience, Expence, and Delay in obtaining Payment of their Wages; ' for Remedy thereof be it enacted, That in all Cases of Wages not exceeding Twenty Pounds, which shall be due and payable to a Seaman for his Service in any Ship as aforesaid, it shall be lawful for any Justice of the Peace in any Part of His Majesty's Dominions residing near to the Place where the Ships shall have ended her Voyage, cleared at the Custom House, or discharged her Cargo, or near to the Place where the Master or Owner upon whom respectively the Claim is made shall be or reside, upon Complaint on Oath to be made to such Justice by any such Seaman or on his Behalf, to summon such Master or Owner to appear before him to answer such Complaint, and upon the Appearance of such Master or Owner, or in default thereof, on due Proof of his having been so summoned, such Justice is hereby empowered to examine upon the Oath of the Parties and their respective Witnesses (if there be any) touching the Complaint and the Amount of Wages due, and to make such Order for Payment thereof as shall to such Justice appear reasonable and just; and in case such Order shall not be obeyed within Two Days next after the making thereof it shall be lawful for such Justice to issue his Warrant to levy the Amount of the Wages awarded to be due, by Distress and Sale of the Goods and Chattels of the Party on whom such Order for Payment shall be made, rendering to such Party the Overplus (if any shall remain of the Produce of the Sale) after deducting thereout all the Charges and Expences incurred by the

the Seaman in the making and hearing of the Complaint, as well as those incurred by the Distress and Levy and in the Enforcement of the Justice's Order; and in case sufficient Distress cannot be found it shall be lawful for the said Justice to cause the Amount of the said Wages and Expences to be levied on the Ship in respect of the Service on board which the Wages are claimed, or the Tackle and Apparel thereof; and if such Ship shall not be within the Jurisdiction of such Justice, then he is hereby empowered to cause the Party upon whom the Order for Payment shall be made to be apprehended and committed to the Common Gaol of the County, there to remain without Bail until Payment shall be made of the Amount of the Wages so awarded, and of all Costs and Expences attending the Recovery thereof; and the Award and Decision of such Justice as aforesaid shall be final and conclusive as well on every such Seaman as on the Owner and Master of the Ship.

XVI. And be it further enacted, That if any Suit for the Recovery of a Seaman's Wages shall be instituted against the Ship, or the Master or Owner thereof, either in the High Court of Admiralty or in any Vice-Admiralty Court, or against the Master or Owner in any Court of Record in His Majesty's Dominions, and it shall appear to the Judge in the Course of such Suit that the Plaintiff might have had as effectual a Remedy for the Recovery of his Wages by Complaint to a Justice of the Peace as herein-before provided, then and in every such Case it shall be lawful for such Judge and he is hereby required to certify to that Effect, and thereupon no Costs of Suit shall be awarded to the Plaintiff.

In what Case  
Costs of Suit for  
Recovery of  
Wages not to  
be allowed.

XVII. And be it further enacted, That whenever any Ship whatever belonging to any Subject of the United Kingdom, except in Cases of Wreck or Condemnation, shall be sold at any Port out of His Majesty's Dominions, the Master in all such Cases (unless the Crew in the Presence of the *British* Consul or Vice-Consul, or in case of there not being any such Consul or Vice-Consul, then in the Presence of One or more *British* resident Merchants at such Port, shall signify their Consent in Writing to be there discharged,) shall and he is hereby required, besides paying them the Wages to which they shall be entitled under the Agreement, either to provide them with adequate Employment on board some other *British* Vessel Homeward bound, or to furnish the Means of sending them back to the Port in His Majesty's Dominions at which they were originally shipped, or to some Port in the United Kingdom, as shall be agreed upon, by providing them with a Passage Home, or depositing with the Consul or Vice-Consul such a Sum of Money as shall be by him deemed reasonably sufficient to defray the Expences of their Subsistence and Passage; and if the Master shall refuse or neglect to do so, such Expences when defrayed shall be a Charge upon the Owner whose Ship shall be so sold, except in Cases of Barratry, Wreck, or Condemnation, and may be recovered against such Owner as so much Money paid and expended on his Account, together with full Costs, at the Suit of the Consul or other Person defraying such Expences, or of His Majesty's Attorney General on behalf of His Majesty, in case the same shall have been allowed to the Consul out of the Public Monies.

When Ship is  
sold at a Foreign  
Port, the Crew  
to be sent Home  
at the Expence  
of the Master  
or Owners.

Supply of Medicines to be kept on board, and Seamen hurt in the Service of the Ship to be provided with Advice, &c. gratis.

XVIII. ' And whereas it is necessary that due Provision should be made for the Preservation of the Health and Lives of the Seamen employed in the Merchant Service; be it further enacted, That every Ship sailing from the United Kingdom to any Place out of the same shall have and keep constantly on board the same a sufficient Supply of Medicines suitable to Accidents and Diseases arising on Sea Voyages, which shall be renewed from Time to Time as shall be found requisite; and in case any Default shall be made in providing or keeping supplied such Medicines as aforesaid, or in case any of the Seamen shall receive any Hurt or Injury in the Service of the Ship, the Expence of providing the necessary Surgical and Medical Advice, and Attendance and Medicines which the Seaman shall stand in need of until he shall have been cured or shall have been brought back to some Port of the United Kingdom, shall be borne and defrayed by the Owner and Master of the Ship, or One of them, without any Deduction whatever on that Account from the Seaman's Wages.

Establishment of Register Office for Seamen.

XIX. ' And whereas it is expedient that a Register should be formed and maintained of all the Mariners and Seafaring Men of the United Kingdom, be it therefore enacted, That as soon as conveniently may be after the passing of this Act there shall be established in the Port of London an Office, to be called "The General Register Office of Merchant Seamen," which shall consist of a Registrar and such Assistants and Clerks with such Salaries and Allowances as shall be fixed and regulated from Time to Time by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, and that such Office shall be kept at the Custom House of the said Port, and daily Attendance shall be given thereat during the usual Hours of Business there; and the said Registrar, his Assistants and Clerks, shall be under the Control and Directions of the said Lord High Admiral or the Commissioners for executing the Office aforesaid for the Time being.

Letters to and from Registrar to be free from Postage.

XX. And be it further enacted, That for the more readily carrying this Act into execution all Letters and Packets addressed to and sent by the said Registrar upon any Business relating to the Register Office created by this Act shall be free from the Duty of Postage; and that all Letters and Packets which shall be forwarded by the said Registrar in the Execution of his Duty as such Registrar shall be under a Cover, with the Words, "Pursuant to Act of Parliament of the Fifth Year of King William the Fourth," printed thereon, and the said Registrar shall sign his Name under such Words, and every such Cover shall be sealed with the Seal of his Office; and if the said Registrar or any other Person shall send or cause to be sent under any such Cover any Paper, Letter, or Writing, or any Inclosure, other than what shall relate to the public Business of the said Office, every Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds.

Masters of Ships trading Abroad to deliver Lists of their Crews on their Return. 4 & 5 W. 4. c. 52.

XXI. ' And whereas by an Act of the last Session of Parliament, intituled *An Act to amend An Act of the Twentieth Year of His Majesty King George the Second, for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service, and for other Purposes*, a certain Book by way of Muster

Roll is for the Purposes of the said Act required to be kept on board Merchant Ships, which Book is to contain such Entries and Statement of Account as by the said Act is required: And whereas it is expedient for the better effectuating the Objects of this Act that a due Return should be made to the said Registrar of Merchant Seamen of many of the Particulars in the said Act specified; be it therefore further enacted, That the Master of every Ship belonging to any Subject of His Majesty, and bound to Parts beyond the Seas, except in the Cases next herein-after provided, shall not only keep the Book so required by the said recited Act, but shall, on reporting his Ship on her Arrival at her Port of Destination in the United Kingdom, deliver or cause to be delivered to the Collector or Comptroller of the Customs at such Port an Account, signed by himself, of all the Seamen and others (including Apprentices) who shall have belonged to the Ship at any Time during her Absence from the United Kingdom, which Account shall contain a true and correct Return under their respective Heads of the several Particulars expressed in the Form set forth in the Schedule annexed to this Act, and marked (C.)

XXII. And be it further enacted, That within Twenty-one Days after the Thirtieth Day of *June* and the Thirty-first Day of *December* in each Year the Owner or One of the Owners of every Ship as aforesaid employed in fishing on the Coasts of the United Kingdom, or in regularly trading from one Part of the United Kingdom to another, and of every Ship regularly trading or making regular Voyages to any of the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, or to any Port on the Continent of *Europe* between the River *Elbe* inclusive and *Brest*, shall deposit or cause to be deposited with the Collector or Comptroller of the Customs of the Port to which the Ship shall belong, or with the said Registrar in *London*, an Account, signed by such Owner, or by the Master, of the Voyages in which any such Ship shall have been engaged during the preceding Half Year ending on the respective Days above mentioned, and setting forth the Christian and Surnames of the several Persons (including the Master and Apprentices) who shall have belonged to the Ship at any Time during such Periods respectively, which Account shall be in the Form and shall contain a true and correct Return under their respective Heads of the several Particulars expressed in the Schedule marked (D.) and to this Act annexed.

XXIII. And be it further enacted, That in case any Ship as aforesaid shall be lost or sold while absent from the United Kingdom, then an Account containing a similar Return as required in the several and respective Cases before mentioned, which shall be made out up to the Period of such Loss or Sale, shall by the Persons who shall at that Time have been respectively Owner and Master thereof, or by One of them, be delivered or transmitted to the said Registrar in the Port of *London* so soon as he shall be enabled to make such Return after the Loss, and within Twelve Calendar Months at farthest after the Sale of the Ship.

XXIV. And be it further enacted, That the said several Accounts and Returns by this Act required to be deposited with or delivered to the Collector or Comptroller as aforesaid shall by such Officers of the Customs be transmitted from Time to Time to the said Registrar for the Purposes of this Act; and every such Owner or

Masters of Ships in the Home Trade to return similar Lists.

Return to be made in case of Ship lost or sold Abroad.

Lists to be certified, and transmitted to the Registrar.

Master

Penalty on the  
Master for  
Neglect.

Master of any Ship as aforesaid who shall refuse or wilfully neglect to deliver or cause to be delivered any such List or Account as by this Act is required, shall for every such Refusal or Neglect forfeit and pay the Sum of Twenty-five Pounds.

As to the Dis-  
posal of the  
Effects of Sea-  
men dying  
Abroad.

XXV. And in order that due Care may be taken of the Effects of *British* Seamen dying in Foreign Parts, and that a proper Disposition may be made thereof, be it further enacted, That whenever a *British* Seaman being Abroad shall die elsewhere than on board a *British* Ship, leaving any Money or Effects within the Limits of any *British* Consulate, it shall be lawful for His Majesty's Consul there and he is hereby required to claim and take charge of all such Money and Effects, and to dispose of the said Effects for the Benefit of the next of Kin of the Deceased or other Person who may be by Law entitled to the same; and in case no Claim shall be made to the same within Three Calendar Months after the Death of such Seaman the said Consul shall, after abating the Amount of any Expences which shall have been incurred in getting in the Assets of the Deceased, remit the Balance of all such Monies which either have already arisen or shall hereafter arise by the Means aforesaid to the President and Governors of the Corporation "For the Relief and Support of sick, maimed, and disabled Seamen, and of the Widow and Children of such as shall be killed, slain, or drowned, in the Merchant Service," to be by such President and Governors paid over and disposed of in the same Manner and under the same Regulations as are provided by the said recited Act of the last Session of Parliament with respect to the Wages of Seamen dying on board Merchant Ships; and in case any Seaman so dying as last mentioned shall leave on board the Ship to which he shall belong any Monies, Clothes, or other Effects, and the same shall not be claimed within One Month after the Ship's Return to the United Kingdom by the Executor or Administrator of the Deceased, then the Master of the said Ship shall and he is hereby required to deposit the same or the Proceeds arising therefrom with the President and Governors aforesaid, to be by them disposed of in the same Manner as is provided by the said Act with respect to the Wages of deceased Seamen.

Parish Boys  
may be put out  
Apprentices in  
the Sea Service.

XXVI. And whereas the giving due Encouragement to such of the Youth of the United Kingdom as shall voluntarily betake themselves to the Sea Service, and obliging others to do so who by reason of their own or their Parents Poverty are destitute of the Means of obtaining Subsistence and Employment, will not only greatly tend to the Increase of able and experienced Seamen, as well for the Service of the Royal Navy as for carrying on the Commerce of His Majesty's Subjects, but will likewise provide them with Employment, and thus materially diminish the Burthen of Expence cast upon Parishes by their Maintenance; be it therefore enacted, That it shall be lawful for the Overseers of the Poor or other Persons having the Authority of Overseers of the Poor of any Parish, Township, or Place in the United Kingdom, or in whom the Duty of Overseers or Guardians of the Poor shall or may be vested, and they are hereby empowered, to bind by Indenture and put out any Boy having attained the Age of Thirteen Years, and of sufficient Health and Strength, who or whose Parent or Parents is or are chargeable to or maintained by any such

such Parish or Township, or who shall beg for Alms therein, with his Consent but not otherwise, an Apprentice in the Sea Service to any of His Majesty's Subjects being the Master or Owner of any Ship registered in any Port of the United Kingdom, for so long Time and until such Boys shall respectively attain the Age of Twenty-one Years, which Binding shall be as effectual in the Law to all Intents and Purposes as if such Boy had been bound by virtue of any Statute now in force respecting the binding of Parish Apprentices, or as if such Boy were of full Age and had bound himself an Apprentice, and notwithstanding the Residence of the Master or Owner to whom he may be bound shall be more than Forty Miles distant from such Parish or Place: Provided always, that every such Binding shall be made in the Presence of Two Justices of the Peace acting for the County, Riding, Division, City, Borough, or Place within which such Parish or Township shall be situate, which Justices shall execute the Indenture in Testimony of their having been satisfied that such Boy hath attained the Age and is of sufficient Health and Strength as required by this Act; and to the end that the Period when the Service under such Indenture shall expire may the more certainly appear, the Age of every such Boy shall be inserted in his Indenture, the same being truly taken from a Copy of the Entry of his Baptism in the Register Book of the Parish in which he was born (where the same can be obtained), which Copy shall be given and attested by the Officiating Minister of such Parish without Fee or Reward; and in Cases where no such Entry of Baptism can be found the Justices aforesaid shall inform themselves as fully as they can of such Boy's Age, and from such Information shall insert the same in his said Indenture, and the Age of every such Boy so inserted therein shall (in relation to the Continuance of his Service) be taken to be his true Age without any further Proof thereof.

XXVII. And be it further enacted, That it shall be lawful for any Master or Person to whom any poor Parish Apprentice shall have been or shall be hereafter bound to a Service on Shore according to the Statutes already in force relating to such Apprentices, or for the Executors or Administrators, or, there being none such, for the Widow of any such deceased Master, with the Concurrence of Two or more Justices of the Peace residing in or near to the Place where such poor Boy shall have been bound Apprentice, to assign and turn over such poor Boy, with his Consent but not otherwise, Apprentice to any Master or Owner of any Ship not having her Complement of Apprentices as herein-after required, to be employed by such Master or Owner in the Sea Service during the Period then remaining unexpired of his Apprenticeship.

XXVIII. And be it further enacted, That in the Event of the Death of the Master of any such poor or Parish Apprentice to the Sea Service, it shall be lawful for the Widow or the Executor or Administrator of such deceased Master to assign the Indenture of any such Apprentice for the Residue of the Term then unexpired therein to any Master or Owner of any such Ship not having the Complement of Apprentices as herein-after required; all which Assignments, if executed within the Limits of the Port of London, shall be attested by the said Registrar or One of his Assistants or Clerks,

Parish Apprentices may be turned over to the Sea Service.

Indentures may be assigned on the Death of the Master.



Clerks, and if at any other Port shall be attested by the Collector or Comptroller of the Customs of such Port.

Parish Officers to prepare Indentures.

Constable to convey the Apprentice.

XXIX. And be it further enacted, That such Overseers or other Persons as aforesaid shall cause the Indentures of Apprenticeship to be prepared and transmitted in Duplicate, if the Master or Owner of the Ship to whom such Apprentice is to be bound shall be or reside within the Limits of the Port of *London*, to the said Registrar, and if at any other Port to the Collector or Comptroller of the Customs at such Port; and the said Overseers or other Persons as aforesaid shall cause each such poor Boy to be conducted and conveyed to such Port or Place by the Constable and at the Expence of the Parish or Township sending him thither, and shall also, upon the Execution by the Master of the Counterpart of the Indentures, cause to be paid down to the Master the Sum of Five Pounds, to be expended in providing such Boy with necessary Sea Clothing and Bedding; which Sum, as well as the Expences to be incurred in the Conveyance of the Boy as aforesaid shall, when paid, be allowed to them in their Accounts of Monies expended in relation to the Poor.

How Counterparts of Indentures to be attested.

XXX. And be it further enacted, That the Counterparts of all such Indentures shall, if the Master shall be or reside within the Limits of the Port of *London*, be executed in the Presence of and attested by the said Registrar or One of his Assistants or Clerks, and if at any other Port by the Collector or Comptroller of the Customs at such Port, and also in both Cases by the Constable or other Officer who shall convey such Apprentices thither, and such Indentures shall bear Date respectively on the Days on which they are executed; and the Constable on his Return shall deliver such Counterparts to the Overseers or other Persons as aforesaid, to be by them registered and preserved.

Every Ship to have Apprentices according to her Tonnage.

XXXI. And be it further enacted, That the Master of every Ship belonging to any Subject of the United Kingdom, and of the Burthen of Eighty Tons and upwards, shall have on board thereof, at the Time of clearing out from any Port of the United Kingdom, One Apprentice or more, in the following Proportions to the Number of Tons of his Ship's Admeasurement, according to the Certificate of Registry; that is to say, every Ship of Eighty Tons and under Two hundred Tons shall have One Apprentice at the least, every Ship of Two hundred Tons and under Four hundred Tons shall have Two Apprentices at the least, every Ship of Four hundred Tons and under Five hundred Tons shall have Three Apprentices at the least, every Ship of Five hundred Tons and under Seven hundred Tons shall have Four Apprentices at the least, and every Ship of Seven hundred Tons and upwards shall have Five Apprentices at the least, all of whom at the Period of their being bound respectively shall have been under Seventeen Years of Age, and shall have been duly bound for the Term of Four Years at the least; and if any such Master shall neglect to have on board his Ship the Number of Apprentices as hereby required he shall for every such Offence forfeit and pay the Sum of Ten Pounds in respect of each Apprentice so deficient.

Penalty for Deficiency of Apprentices.

Apprentices exempt from Contributions for Hospitals.

XXXII. And be it further enacted, That no Apprentice bound or assigned pursuant to this Act, nor any Master or Owner in respect

respect of any such Apprentice, shall be liable to the Payment of any Contribution towards the Support of any Hospital or Institution.

XXXIII. And be it further enacted, That the said Registrar in *London* and the Collector and Comptroller of the Customs at each other Port shall, in a Book to be kept for that Purpose, cause to be entered from Time to Time all such Indentures and Assignments of Parish Apprentices as aforesaid, specifying therein the Dates thereof, the Names and Ages of the Apprentices, the Parishes or Places from whence sent, the Names and Residences of the Masters to whom bound or assigned, and the Names, Ports, and Burthen of the respective Ships to which such Masters belong, and shall make and subscribe on each Indenture or Assignment respectively an Indorsement purporting that the same hath been duly registered pursuant to this Act; and every such Collector and Comptroller shall also at the End of each Quarter of the Year transmit a List of the Indentures and Assignments so registered by him within the preceding Quarter, containing all the Particulars aforesaid, to the said Registrar, for the Purposes of this Act.

Indentures and Assignments to be registered.

XXXIV. And be it further enacted, That in every Case of a Person voluntarily binding himself Apprentice to the Sea Service, the Indentures to be executed on such Occasions shall be registered in a Book to be kept for that Purpose by the said Registrar in *London* and by the Collector and Comptroller of the Customs at each other Port at which the Indenture shall be executed, in which Book shall be expressed the Dates of the several Indentures, the Names and Ages of the Apprentices, the Names and Residence of their Masters, and (if known) the Names, Port, and Burthen of the several Ships on board which they are respectively to serve; and such Registrar and Collector or Comptroller respectively shall indorse and subscribe upon each Indenture a Certificate purporting that the same hath been duly registered pursuant to this Act, and the said Collector and Comptroller shall also at the End of each Quarter of the Year transmit a List of the Indentures so registered by them within the preceding Quarter, containing all the Particulars aforesaid, to the said Registrar, for the Purposes of this Act; and that it shall be lawful for the Master, or in case of his Death his Executor or Administrator, with the Consent of the Apprentice, if of the Age of Seventeen Years or upwards, and if under that Age with the Consent of his Parent or Guardian, to assign or transfer the Indenture of any such Apprentice to any other Person who may be the Master or Owner of any registered Ship; and all such voluntary Apprentices may, during the Term for which they shall be bound, be employed in any Ship of which the Master of any such Apprentice may be the Master or Owner: Provided always, that every such Assignment shall be registered and indorsed by the said Registrar, or by the Collector or Comptroller of the Customs at the Port where the Master shall be resident, or to which his Ship shall belong, in which latter Case the said Collector or Comptroller shall notify the same to the said Registrar as is herein-before provided with regard to the Indenture of such Apprentice.

Indentures of Apprentices to be registered.

Assignments to be registered.

XXXV. And be it further enacted, That all Agreements with the Crew of a Ship made in pursuance of and in conformity with this

Agreement and Indentures of Apprentice

exempt from  
Stamp Duty.

this Act, and all Indentures of Parish and voluntary Apprentices to the Sea Service, and all Counterparts and Assignments of such Indentures to be respectively executed after the passing of this Act, shall be wholly exempt from Stamp Duty.

Penalty on Masters neglecting to register Indentures, and for suffering Apprentices to quit their Service.

XXXVI. And be it further enacted, That if any Master to whom any Apprentice mentioned in this Act shall be bound or assigned shall neglect to cause the Indenture or the Assignment thereof (as the Case may be) to be registered as required by this Act, or shall, after the Ship shall have cleared Outwards on the Voyage upon which such Ship may be bound, suffer his Apprentice to quit his Service (not entering into that of His Majesty), except in case of Death, Desertion, Sickness, or other unavoidable Cause, to be certified in the Log Book of the Ship, every such Master shall for every such Offence forfeit and pay the Sum of Ten Pounds.

Justices to determine Complaints.

XXXVII. And be it further enacted, That any Two or more Justices of the Peace residing at or near to any Port at which any Ship as aforesaid, having on board thereof any Sea Apprentice, shall at any Time arrive, shall have full Power and Authority to inquire into and examine, hear and determine, all Claims of Apprentices upon their Masters under their Indentures, and all Complaints of hard or ill Usage exercised by their respective Masters towards any such their Apprentices, or of Misbehaviour on the Part of any such Apprentice, and to make such Orders therein as they are empowered by Law to do in other Cases between Masters and Apprentices.

Common Assaults may be summarily punished by Two Justices.

XXXVIII. ' And whereas by an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, for consolidating and amending the Statutes in *England* relative to Offences against the Person, a summary Jurisdiction is provided for the Punishment of Persons guilty of common Assaults and Batteries: And whereas it is expedient that the Provisions of the said Act should be extended to similar Offences committed on board Merchant Ships as herein-after provided; be it therefore further enacted, That in the Case of any Assault or Battery which shall after the Commencement of this Act be committed on board any Merchant Ship belonging to any Subject of the United Kingdom in any Place at Sea, or out of His Majesty's Dominions, it shall be lawful for any Two Justices of the Peace in any Part of His Majesty's Dominions, upon Complaint of the Party aggrieved, to hear and determine any such Complaint, and to proceed and make such Adjudication thereon as by the said Act any Two Justices are empowered to do, subject however to such Provisoos and Limitations as are contained in the said Act with respect to the Cases of Assault and Battery therein mentioned; and the Fine or Forfeiture to be imposed in any such Case shall be payable to the Merchant Seaman's Hospital or Institution at or nearest to the Port or Place where such Adjudication shall be made.

Masters entitled to receive the Wages of Apprentices entering into the Navy.

XXXIX. And be it further enacted, That no Parish or voluntary Apprentice to the Sea Service shall be at liberty to enter into the Naval Service of His Majesty during the Period of his Apprenticeship without the Consent of his Master; but if nevertheless he shall voluntarily enter on board any of His Majesty's Ships of War, and shall be allowed by his Master to continue therein, such Master, in case he shall give Notice to the Secretary of the Admiralty of his

Consent to his Apprentices remaining in His Majesty's Service during the Residue of the Term of his Apprenticeship, shall, upon the Production of his Indenture, be entitled, at the Time of paying off the Ship, to receive to his own Use any Balance of Wages that may be then due and payable to any such Apprentice up to the Period of the Expiration of his Indenture.

XL. ' And whereas great Mischiefs have arisen from Masters of Merchant Ships leaving Seamen in Foreign Parts, who have been thus reduced to Distress, and thereby tempted to become Pirates, or otherwise misconduct themselves, and it is expedient to amend and enlarge the Law in this Behalf;' be it therefore further enacted, That if any Master of a Ship belonging to any Subject of the United Kingdom shall force on Shore and leave behind, or shall otherwise wilfully and wrongfully leave behind on Shore or at Sea, in any Place in or out of His Majesty's Dominions, any Person belonging to his Crew, before the Return to or Arrival of such Ship in the United Kingdom, or before the Completion of the Voyage or Voyages for which such Person shall have been engaged, whether such Person shall have formed Part of the original Crew or not, every Person so offending shall be deemed guilty of a Misdemeanor, and shall suffer such Punishment by Fine or Imprisonment or both as to the Court before which he shall be convicted shall seem meet; and the said Offence may be prosecuted by Information at the Suit of the Attorney General on behalf of His Majesty, or by Indictment or other Proceeding in any Court having Criminal Jurisdiction in His Majesty's Dominions at Home or Abroad, where such Master or other Person as aforesaid shall happen to be, although the Place where the Offence may be therein averred to have been committed (which Averment is hereby required to be substantially according to the Fact) shall appear to be out of the ordinary local Jurisdiction of such Court; and such Court is hereby authorized to issue a Commission or Commissions for the Examination of any Witnesses who may be absent or out of the Jurisdiction of the Court; and at the Trial the Depositions taken under such Commission or Commissions, if such Witnesses shall be then absent, shall be received in Evidence.

XLI. And be it further enacted, That no such Master shall discharge any individual Person of his Crew, whether *British* Subject or Foreigner, at any of His Majesty's Colonies or Plantations, without the previous Sanction in Writing of the Governor, Lieutenant Governor, Secretary, or other Officer appointed in that Behalf by the Government there, or in the Absence of all such Authorities at or near to the Port or Place at which the Ship shall be then lying, then of the chief Officer of Customs of such Colony or Plantation resident at or near to such Port or Place; nor shall he discharge any such Person at any other Place Abroad without the like previous Sanction in Writing of His Majesty's Minister, Consul, or Vice-Consul there, or in the Absence of any such Functionary, then of Two respectable Merchants resident there; all which said Functionaries respectively are hereby authorized and required, and all which said Merchants are hereby authorized, in a summary Way to inquire into the Grounds of any such proposed Discharge by Examination on Oath, and thereupon

Forcing on Shore or leaving behind any Person belonging to the Crew deemed a Misdemeanor.

Jurisdiction of Courts for trying such Misdemeanors.

Seamen not to be discharged Abroad, without Sanction of One of certain Functionaries;

Jurisdiction in Cases of Debts due to the Crown; and in any Proceeding for that Purpose Proof of the Account furnished to the said Commissioners by any One of such Functionaries, or by such Two Merchants or One Merchant, according to the Case, as provided by the said Act of the Eleventh Year of King *George* the Fourth, shall, together with Proof of Payment by the said Commissioners or by the Treasurer of the Navy of the Charges incurred on account of any such Person, be sufficient Evidence that such Person was relieved and conveyed Home, according to the Intent of the said Act, at His Majesty's Expence; and the Court in which any Proceeding for the Recovery of the said Money shall be instituted is hereby authorized to issue a Commission or Commissions for the Examination of Witnesses Abroad, and the Depositions taken under such Commission or Commissions shall be received as Evidence.

Ship's Agreement on Arrival at a Foreign Port to be deposited with the Consul.

XLVIII. And in order the more effectually to secure a Compliance with the Provisions of this Act, be it further enacted, That every Master of a Ship belonging to any Subject of His Majesty, on his Arrival at any Foreign Port where there shall be a *British* Consul or Vice-Consul, shall deliver to such Consul or Vice-Consul the Agreement with his Ship's Crew, to be by such Consul or Vice-Consul preserved during the Ship's Stay there, and to be returned to the Master before his leaving the Port, without any Fee or Charge being made for the same; and if any such Master shall refuse or neglect to deliver any such Agreement to the Consul or Vice-Consul, as is hereby required, he shall for every such Offence forfeit and pay the Sum of Twenty-five Pounds.

Penalty for Neglect.

No Seaman to be shipped at a Foreign Port without the Privity of the Consul.

XLIX. And be it also enacted, That during the Ship's Stay at any such Foreign Port no Seaman shall be shipped by any such Master except with the Privity of such Consul or Vice-Consul, to be indorsed or certified on the Agreement, under a Penalty of Twenty-five Pounds to be forfeited by any such Master for every Seaman who shall be so shipped in Breach of this Act.

Masters to produce Agreements to Officers of King's Ships.

L. And be it further enacted, That the Master of every Ship belonging to any Subject of His Majesty as aforesaid shall and he is hereby required to produce and show the Muster Roll of the Ship and the Agreement with his Crew to the Captain, Commander, or other Commissioned Officer of any of His Majesty's Ships requiring a Production and Sight thereof; and that it shall be lawful for any such Officer in His Majesty's Naval Service, if he shall think it necessary so to do, to muster the Crew and Passengers (if any) of any Ship belonging to any Subject as aforesaid, in order to be satisfied that the Provisions of this Act and of any other Act by which the Crews of Merchant Ships are regulated, and the Laws relating to Navigation, with respect to the Crews of Merchant Ships, have been duly complied with; and if any such Master shall, upon being required so to do by any such Officer, neglect or refuse to produce such Muster Roll or such Agreement, or shall obstruct any such Officer in the Execution of his Duty in mustering the said Crew or Passengers, or shall produce any false Muster Roll, he shall for every such Offence forfeit and pay the Sum of Twenty-five Pounds.

Registrar and Officers of Customs empowered

LI. And be it further enacted, That for the better carrying into effect the Purposes of this Act it shall be lawful for the said Registrar

trar and his Assistants, and also for the respective Collectors or other chief Officers of the Customs, at the several Ports of the United Kingdom and of the *British Possessions* Abroad, to demand from the Master of every Ship hereby required to enter into an Agreement with his Crew the Production of the Muster Roll of the Ship and also of such Agreement, with Liberty to take a Copy of either or both, and to muster the Crew and Apprentices of such Ship, for the Purpose of ascertaining whether the Provisions of this Act and of the Laws relating to Navigation have been complied with; and if any such Master, on such Demand being made, shall refuse or neglect to produce such Muster Roll or Agreement, or shall refuse to allow a Copy of either Document to be taken, or shall refuse to permit or shall prevent his Crew and Apprentices from being so mustered, he shall for every such Neglect, Refusal, or Offence forfeit and pay the Sum of Fifty Pounds.

to require Production of the Agreement and Muster Roll.

LII. And to avoid Doubts in the Construction of this Act, be it further enacted, That every Person having the Charge or Command of any Ship belonging to any Subject of the United Kingdom shall, within the Meaning and for the Purposes of this Act, be deemed and taken to be the Master of such Ship; and that every Person (Apprentices excepted) who shall be employed or engaged to serve in any Capacity on board the same shall in like Manner be deemed and taken to be a Seaman within the Meaning and for the Purposes of this Act; and that the Term "Ship," as used in this Act, shall be taken and understood to comprehend every Description of Vessel navigating on the Sea; and that the Term "Owner," as applied to a Ship, shall be understood to comprehend all the several Persons, if more than One, to whom the Ship shall belong; and that all Steam and other Vessels employed in carrying Passengers or Goods shall be deemed Trading Ships within the Meaning and for the Purposes of this Act.

Definition of the Terms Master, Seaman, Ship, and Owner.

LIII. And be it further enacted, That all Penalties and Forfeitures imposed by this Act, and for the Recovery whereof no specific Mode is herein-before provided, shall and may be recovered, with Costs of Suit, in manner following; (that is to say,) all Penalties and Forfeitures not exceeding Twenty Pounds shall be recoverable at the Suit of any Person by Information and summary Proceeding before any One or more Justice or Justices of the Peace in any Part of His Majesty's Dominions residing near to the Place where the Offence shall be committed or where the Offender shall be, which Justice or Justices shall have full Power to levy the Amount of any such Penalty or Forfeiture and Costs by Distress and Sale of the Offender's Goods, or by Commitment of the Offender for Nonpayment of the Amount; and all Penalties and Forfeitures exceeding Twenty Pounds shall and may be recovered, with Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, *Edinburgh*, or *Dublin*, or in the Colonies, at the Suit of His Majesty's Attorney General or other chief Law Officer of the Crown in any Part of His Majesty's Dominions other than in *Scotland*, and if in *Scotland* at the Suit of the Lord Advocate; and that all Penalties and Forfeitures mentioned in this Act for which no specific Application is herein-before provided shall, when recovered, be paid and applied in manner following; (that is to say,) One Moiety of every such Penalty shall be paid to the Informer or

Recovery of Penalties.

Application of Forfeitures.

Person upon whose Discovery or Information the same shall be recovered, and the Residue shall be divided between *Greenwich Hospital* and the Merchant Seamen's Hospital or Institution at the Port to which the Ship shall belong, and if there shall be none such at the said Port, then the whole of the said Residue shall be paid to *Greenwich Hospital*: Provided always, that it shall be lawful for the Court before which or the Justice or Justices before whom any Proceedings shall be instituted for the Recovery of any pecuniary Penalty imposed by this Act to mitigate or reduce such Penalty as to such Court or Justices respectively shall appear just and reasonable, in such Manner, however, that no such Penalty shall be reduced below One Half of its original Amount: And provided also, that all Proceedings so to be instituted shall be commenced within Two Years next after the Commission of the Offence, if the same shall have been committed at or beyond the *Cape of Good Hope* or *Cape Horn*, or within One Year if committed on the *European Side* of those Limits, or within Six Calendar Months after the Return of the Offender or the complaining Party to the United Kingdom.

As to Ships belonging to any British Colony having a Legislature.

LIV. Provided always, and be it further enacted, That this Act shall not extend or apply to any Ship registered in or belonging to any *British Colony* having a Legislative Assembly, or to the Crew of any such Ship, while such Ship shall be within the Precincts of such Colony; any thing herein-before contained to the contrary in anywise notwithstanding.

Act may be amended during this Session.

LV. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed during the present Session of Parliament.

## SCHEDULES to which this Act refers.

### SCHEDULE (A.)

AN AGREEMENT made, pursuant to the Directions of an Act of Parliament passed in the Sixth Year of the Reign of His Majesty King William the Fourth, between the Master of the Ship of the Port of and of the Burthen of Tons, and the several Persons whose Names are subscribed hereto.

It is agreed by and on the Part of the said Persons, and they severally hereby engage, to serve on board the said Ship in the several Capacities against their respective Names expressed, on a Voyage from the Port of

to [here the intended Voyage is to be described as nearly as can be done, and the Places at which it is intended the Ship shall touch, or if that cannot be done, the Nature of the Voyage in which she is to be employed,] and back to the Port of

and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober Manner, and to be at all Times diligent in their respective Duties and Stations, and to be obedient to the lawful Commands of the Master in every thing relating to the said Ship, and the Materials, Stores, and Cargo thereof, whether on board such Ship, in Boats, or on Shore [here may be inserted any other Clauses which the Parties may think proper to be introduced into the Agreement, provided that the same be not contrary to or inconsistent with the Provisions and Spirit of this Act]. In consideration of which Services, to be duly, honestly, carefully, and faithfully performed, the said Master

Master doth hereby promise and agree to pay to the said Crew, by way of Compensation or Wages, the Amount against their Names respectively expressed. In witness whereof the said Parties have hereto subscribed their Names on the Days against their respective Signatures mentioned.

Place and Time of Entry.				Men's Names.	Age.	Place of Birth.	Quality.	Amount of Wages per Calendar Month, Share, or Voyage.	Witness to Signature.	Name of Ship in which the Seaman last served.
	Day.	Month.	Year.							

*Note.*—Any Embezzlement or wilful or negligent Loss or Destruction of any Part of the Ship's Cargo or Stores may be made good to the Owner out of the Wages (so far as they will extend) of the Seaman guilty of the same; and if any Seaman shall enter himself as qualified for a Duty to which he shall prove to be not competent, he will be subject to a Reduction of the Rate of Wages hereby agreed for in proportion to his Incompetency.

### SCHEDULE (B.)

An AGREEMENT made, pursuant to the Directions of an Act of Parliament passed in the Sixth Year of the Reign of His Majesty King William the Fourth, between the Master of the Ship of the Port of and of the Burthen of Tons, and the several Persons whose Names are subscribed hereto.

It is agreed by and on the Part of the said Persons, and they severally hereby engage, to serve on board the said Ship in the said several Capacities against their respective Names expressed, which Ship is to be employed in [*here the Nature of the Ship's Employment is to be described, whether in the Fisheries, on the Coast, or in trading from one Part of the United Kingdom to another, or to any of the Islands of Jersey, Guernsey, Alderney, Sark, and Man, or to any Port on the Continent of Europe between the River Elbe inclusive and Brest*]; and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober Manner, and to be at all Times diligent in their respective Duties and Stations, and to be obedient to the lawful Commands of the Master in every thing relating to the said Ship, and the Materials, Stores, and Cargo thereof, whether on board such Ship, in Boats, or on Shore [*here may be inserted any other Clauses which the Parties may think proper to be introduced into the Agreement, provided that the same be not contrary to or inconsistent with the Provisions and Spirit of this Act*]. In consideration of which Services, to be duly, honestly, carefully, and faithfully performed, the said Master doth hereby promise to pay to the said Crew, by way of Compensation or Wages, the Amount against their Names respectively expressed: Provided always, and it is hereby declared, that no Seaman shall be entitled to his Discharge from the Ship during any Voyage.



in which she may be engaged, nor at any other than a Port in the United Kingdom. In witness whereof the said Parties have hereto subscribed their Names on the Days against their respective Signatures mentioned.

Place and Time of Entry.	Men's Names.			Age.	Place of Birth.	Quality.	Amount of Wages per Calendar Month, Share, or Voyage.		Witness to Signature.	Name of Ship in which the Seaman last served.
	Day.	Month.	Year.							

*Note.*—Any Embezzlement or wilful or negligent Loss or Destruction of any Part of the Ship's Cargo or Stores may be made good to the Owner out of the Wages (so far as they will extend) of the Seaman guilty of the same; and if any Seaman shall enter himself as qualified for a Duty to which he shall prove to be not competent, he will be subject to a Reduction of the Rate of Wages hereby agreed for in proportion to his Incompetency.

SCHEDULE (C.)

Ship of the Port of whereof was Master.

A LIST of the CREW (including the Master and Apprentices) at the Period of her sailing from the Port of in the United Kingdom, from which she took her first Departure on her Voyage to and of the Men who joined the Ship subsequent to such Departure and until her Return to the Port of being her Port of Destination in the United Kingdom.

Name.	Age.	Place of Birth.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of Death or leaving the Ship.	Place where.	How disposed of.

*Note.*—If any one of the Crew has entered His Majesty's Service, the Name of the King's Ship in which he entered must be stated in the Account under the Head of "How disposed of."

*Note.*—This List, to be filled up and being signed by the Master, is to be delivered by him to the Collector or Comptroller of the Customs, on reporting his Ship Inwards, on her Arrival at her Port of Destination in the United Kingdom.

## SCHEDULE (D.)

AN ACCOUNT of the VOYAGES in which the Ship \_\_\_\_\_ of \_\_\_\_\_ has been engaged in the Half Year commencing on the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_ and ending on the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_ and of all the Persons (Master and Apprentices included) who have belonged to such Ship during that Period.

## ACCOUNT OF THE VOYAGES.

[Here the several Voyages and the Periods of such Voyages are to be described.]

## ACCOUNT OF THE CREW.

Name.	Age.	Place of Birth.	Quality.	Ship in which he last served.	Date of joining the Ship.	Place where.	Time of Death or leaving the Ship.	Place where.	How disposed of.

*Note.*—If any one of the Crew shall have entered His Majesty's Service, the Name of the King's Ship in which he entered must be stated in this Account under the Head of "How disposed of."

*Note.*—This Account, when filled up, is to be signed by the Owner, and deposited with the Collector or Comptroller of the Customs of the Port to which the Ship shall belong, or with the Registrar of Merchant Seamen in London.

## CAP. XX.

An Act to consolidate certain Offices in the Collection of the Revenues of Stamps and Taxes, and to amend the Laws relating thereto. [30th July 1835.]

WHEREAS under and by virtue of an Act passed in the last Session of Parliament, intituled *An Act to amend the Laws relating to the Land and Assessed Taxes, and to consolidate the Boards of Stamps and Taxes*, the several Duties, Matters, and Things theretofore under the Care and Management of the Commissioners of Stamps and of the Commissioners for the Affairs of Taxes respectively were placed under the Care and Management of One consolidated Board of Commissioners called "The Commissioners of Stamps and Taxes:" And whereas it is expedient that the Receiver General of Stamp Duties in *England* should become and be also the Receiver General of Land and Assessed Taxes, and that the said Two several Offices should be consolidated

‘ solidated into One Office, and the Duties thereof be regulated ‘ in the Manner herein-after mentioned :’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act the Person in whom the Office of Receiver General of Stamp Duties in *England* shall be then vested shall, without any further or other Authority than this Act, become and be also the Receiver General of Land and Assessed Taxes, and the said Two several Offices of Receiver General of Stamp Duties and Receiver General of Land and Assessed Taxes shall be and the same are hereby consolidated into One Office ; and such Receiver General, as well as every other Person who shall be at any Time hereafter appointed to the said Consolidated Office, shall be termed “ The Receiver General of Stamps and Taxes.”

Offices of Receiver General of Stamp Duties and Receiver General of Land and Assessed Taxes consolidated into One Office.

Offices of Accountant and Comptroller General of Stamp Duties and Comptroller of Land and Assessed Taxes consolidated into One Office.

II. ‘ And whereas it is expedient that the Two several Offices ‘ of Accountant and Comptroller General of Stamp Duties and ‘ Comptroller of Accounts of Land and Assessed Taxes in *England* ‘ should also be consolidated into One Office ;’ be it enacted, That from and after the Commencement of this Act the said Two last-mentioned Offices shall be and the same are hereby consolidated into One Office ; and such consolidated Office shall, without any further or other Authority than this Act, vest in the Person in whom at the Time of the Commencement of this Act the said Office of Accountant and Comptroller General of Stamp Duties shall or may be vested ; and such Person, as well as every other Person who shall be at any Time hereafter appointed to the said last-mentioned consolidated Office, shall be termed “ The Accountant and Comptroller General of Stamps and Taxes.”

Persons appointed respectively Receiver General and Accountant and Comptroller General to hold their Offices during Pleasure.

III. And be it enacted, That the Persons in whom respectively the said Offices of Receiver General of Stamps and Taxes and Accountant and Comptroller General of Stamps and Taxes are by this Act severally vested shall hold their said respective Offices during the Pleasure of His Majesty, His Heirs and Successors, and no longer ; and when and so soon as the said several Offices shall respectively become vacant, and from Time to Time afterwards whenever any Vacancy shall occur in either of such Offices, it shall be lawful for the Commissioners of His Majesty’s Treasury for the Time being, or any Three or more of them, to nominate and appoint a fit and proper Person to fill such vacant Office ; and every such Person so to be appointed as last mentioned shall hold his said Office during the Pleasure of the said Commissioners of His Majesty’s Treasury for the Time being, and no longer.

Powers and Authorities given by former Acts to vest in the Receiver General of Stamps and Taxes and the Accountant and Comptroller General of Stamps and Taxes respectively.

IV. And be it enacted, That the said Receiver General of Stamps and Taxes shall have, use, and exercise all such Powers and Authorities as are now given to or vested in the Receiver General of Stamp Duties in *England* under or by virtue of any Act or Acts in force at the Time of the passing of this Act, or otherwise howsoever ; and the said Accountant and Comptroller General of Stamps and Taxes shall have, use, and exercise all such Powers and Authorities as are now given to or vested in the Accountant and Comptroller General of Stamp Duties under or by virtue of any such Act or Acts as aforesaid, or otherwise howsoever ; and all such

such Powers and Authorities shall be and are hereby given to and vested in the said Receiver General of Stamps and Taxes and the said Accountant and Comptroller General of Stamps and Taxes respectively, as fully and effectually, to all Intents and Purposes, as if such Powers and Authorities, and all Clauses, Regulations, Provisions, Penalties, and Forfeitures relating thereto respectively, were severally repeated and re-enacted in this Act and made Part thereof.

V. And be it enacted, That all Stamp Duties, and all Monies from Time to Time collected or received for the Land Tax, or payable for the Sale and Redemption thereof, and all the Rates and Duties of Assessed Taxes, and all Compositions for Assessed Taxes, and all other Duties and Sums of Money whatsoever, now or at any Time hereafter under the Care or Management of the Commissioners of Stamps and Taxes, and which shall be collected or received in any Part of *Great Britain*, shall from Time to Time be paid or remitted by the several Distributors of Stamps and Receiving Inspectors of Taxes, and other Receivers of the said Duties and Monies respectively, or by the several Remitters thereof, to the said last-mentioned Commissioners, or to the said Receiver General of Stamps and Taxes, at such Times, in such Manner, and under such Rules and Regulations as the said Commissioners of Stamps and Taxes shall from Time to Time direct or appoint; and all Monies, Drafts, Bills, Notes, or other Orders or Securities for the Payment of Money which shall from Time to Time be received by the said Receiver General for or on account of any of the Duties, Rates, and Taxes aforesaid, or any of them, or otherwise, for the Use of His Majesty, (except only so much thereof as the said Receiver General shall be authorized by the Commissioners of Stamps and Taxes, under the Sanction of the Commissioners of His Majesty's Treasury, to retain for the Public Service,) shall be paid by the said Receiver General into the Bank of *England*, and shall be transferred to the Credit of His Majesty's Exchequer, in such Manner, at such Times, and under such Rules and Regulations as the Commissioners of Stamps and Taxes, under the Authority of the said Commissioners of His Majesty's Treasury, shall from Time to Time direct or appoint; any thing in any former Act or Acts to the contrary thereof in anywise notwithstanding.

VI. And be it enacted, That from and after the Commencement of this Act the Office of Receiver General of the Land and Assessed Taxes for the District or Circuit of Receipt called "The *London* Receipt," shall cease and be abolished; and the several Collectors of the Land and Assessed Taxes within the said District or Circuit shall, with the Privy and under the Superintendence and Direction of the Inspector of Taxes for the Metropolitan District, or such other Person as the Commissioners of His Majesty's Treasury for the Time being may nominate or appoint for that Purpose, pay all the Duties and Sums of Money from Time to Time collected or received by them respectively to the said Receiver General of Stamps and Taxes at the Head Office, or at such Place or Places as the Commissioners of Stamps and Taxes shall from Time to Time appoint, and under and subject to such Rules and Regulations as may be from Time to Time directed or appointed by the said last-mentioned Commissioners in that Behalf; and every such Collector

All Monies arising from Stamp Duties and from the Land and Assessed Taxes to be paid or remitted to the Commissioners or the Receiver General of Stamps and Taxes.

Monies, &c. received by the Receiver General to be paid into the Bank of *England* to the Credit of the Exchequer.

Office of Receiver General of "The *London* District" abolished; and Collectors of that District of Receipt to make their Payments to the Receiver General of Stamps and Taxes at the Head Office.

is hereby strictly enjoined and required, under the Penalty imposed on Collectors for Neglect of Duty by the several Acts in force, to attend at the said Head Office, or at such other Place or Places as shall be appointed in manner aforesaid, and to make his Payments to the said Receiver General of Stamps and Taxes accordingly: Provided always, that it shall be lawful for the Commissioners of His Majesty's Treasury, if they shall think fit, to annex any Part or Parts of the said District or Circuit of Receipt called "The *London Receipt*" to any adjoining District or Districts of Receipt, as to the said last-mentioned Commissioners may appear to be necessary or expedient; and from thenceforth the Collector or Collectors of the Part or Parts so annexed to any adjoining District or Districts as aforesaid shall pay the Duties and Sums of Money collected or received by him or them to the Receiving Inspector or other Receiver for the Time being appointed to such adjoining District or Districts.

Commissioners of the Treasury may annex any Part of the *London District of Receipt* to any adjoining District.

Inspector of Taxes for the Metropolitan District to have the same Powers within the *London District of Receipt* as the Receiving Inspectors within their Districts.

VII. And be it enacted, That the Inspector of Taxes for the Metropolitan District for the Time being, or such other Person as shall be nominated or appointed as aforesaid for the Purpose of superintending and directing the Payment of the Taxes to the Receiver General of Stamps and Taxes by the several Collectors of the said District or Circuit called "The *London Receipt*," shall have, use, and exercise all such Powers and Authorities, and perform all such Duties (save and except the actual Receipt of Money), within or for the said District or Circuit of Receipt, with relation to the Taxes arising or collected within the same, as are now given to or vested in or performed by the several Receiving Inspectors of Taxes within or for their respective Districts by or under any Act or Acts in force at the Time of the passing of this Act; and the Certificate of the said Inspector of Taxes for the Metropolitan District, or of such other Person as aforesaid, to the Barons of the Court of Exchequer, of any Failure, Neglect, or Omission in the assessing, charging, raising, or accounting for any of the said Taxes within the said District, or of any Schedule of Defaulters in the Payment thereof, shall be as valid and have the same Force and Effect as any similar Certificate heretofore made by any Receiver General, or now made by any Receiving Inspector within their respective Districts, under or in pursuance of the several Statutes in that Behalf.

Receiver General annually to render Accounts of Monies received to the Commissioners for auditing the Public Accounts.

VIII. And be it enacted, That the said Receiver General of Stamps and Taxes shall keep Accounts of all Monies which shall be received by him, arising from Stamp Duties, and from the Land Tax, and the Sale and Redemption thereof, and also from the Duties of Assessed Taxes, or Compositions for Assessed Taxes, and of all other Monies whatsoever which he shall receive for the Use of His Majesty, His Heirs or Successors, and shall annually render such Accounts to the Commissioners for auditing the Public Accounts; and every such Account shall be made up to the Fifth Day of *January* in every Year, or to such other Period in every Year as the Commissioners of His Majesty's Treasury shall appoint; and every such Account shall be delivered to the said Commissioners for auditing the Public Accounts within such Time as the Commissioners of the Treasury shall limit or appoint in that Behalf.

IX. And

IX. And be it enacted, That the said Accountant and Comptroller General of Stamps and Taxes shall annually pass before the Commissioners for auditing the Public Accounts a general Account of all the several Duties, Revenues, and Monies which now are or from Time to Time may be under the Care or Management of the Commissioners of Stamps and Taxes; and every such general Account as aforesaid shall be made up to the Fifth Day of *January* in every Year, or to such other Period in every Year as the Commissioners of His Majesty's Treasury shall direct, and shall be delivered by the said Accountant and Comptroller General to the said Commissioners for auditing the Public Accounts within such Time as shall be limited by the said Commissioners of His Majesty's Treasury for that Purpose; and the first of such Accounts shall be rendered in the Year One thousand eight hundred and thirty-six.

X. And be it enacted, That from and after the Commencement of this Act the several Receiving Inspectors or other Receivers of the Land and Assessed Taxes in any Part of *Great Britain* shall severally render their respective Accounts to the Commissioners of Stamps and Taxes, under such Orders, Rules, and Regulations as the said Commissioners shall make and appoint in that Behalf; and all such Accounts shall be examined, audited, and comptrolled by the Accountant and Comptroller General of Stamps and Taxes, and shall be deposited and remain in the Head Office of the said Commissioners; and so much and such Part and Parts of any Act or Acts now in force as require the Accounts of the said Receiving Inspectors or other Receivers of the Land and Assessed Taxes in *England* to be rendered to the Auditor or Auditors of the Land Revenue or the Commissioners for auditing the Public Accounts, or to be passed or made up for Declaration in the Office of the said Auditor or Auditors or of the said last-mentioned Commissioners, or to be declared before a Baron of His Majesty's Court of Exchequer, or to be transmitted to or enrolled in the Office of His Majesty's Remembrancer of the said Court, and also so much and such Part and Parts of any Act or Acts in force as require the Accounts of the said Receivers in *Scotland* to be taken and made up by the Auditor of the Court of Exchequer in *Scotland*, or to be sworn, allowed, or declared before the said last-mentioned Court, or before the Chief or other Baron of the said Court, or to be examined, entered, or enrolled in any of the Offices of the said Court, shall be and the same are hereby severally repealed: Provided always, that the Accounts of the Receiver General of Stamps and Taxes shall be enrolled in the Office of His Majesty's Remembrancer of the Court of Exchequer in *England* in like Manner as the Accounts of the Receiver General of Stamp Duties have been hitherto enrolled in the said Office.

XI. And be it enacted, That so much of any Act or Acts as prohibits the setting in-super or charging any County, Division, Parish, Ward, or Place, or any Person or Persons, unless the Account of the Receiver shall be declared and passed in the Exchequer within Two Years after the End of the Year for which the Rates or Duties shall be payable, shall be and the same is hereby repealed; and that in any Case in which by any Act or Acts now in force the Receiver General, Receiving Inspector, or other Receiver of the Land or Assessed Taxes in *England* is directed

Accountant and Comptroller General to pass an Account annually before the Commissioners for auditing the Public Accounts.

Receiving Inspectors or other Receivers of Taxes to render their Accounts to the Commissioners of Stamps and Taxes.

So much of any Act as requires the Accounts of Receivers to be passed before the Auditors of the Land Revenue in *England* or the Auditor of the Exchequer in *Scotland*, &c. repealed.

Proviso.

In Cases where any County, &c. or Person may be returned in-super for Arrear of Land or Assessed Taxes the Commissioners of Stamps and Taxes may transmit a Cer-

tificate thereof to the King's Remembrancer, which shall be enrolled in his Office, and be the Ground for Process.

or authorized to set in-super or charge any County, Division, Parish, Ward, or Place, or any Person or Persons, for any Sum or Sums of Money in arrear or unpaid, it shall be lawful for the Commissioners of Stamps and Taxes, from Time to Time whenever they shall deem it expedient for the Public Service so to do, and although the Period so limited by any such Act or Acts as aforesaid may have expired, to transmit to His Majesty's Remembrancer of the Court of Exchequer a Certificate of all or any such Sum or Sums which may be now in arrear or which at any Time hereafter may become in arrear and be unpaid; and every such Certificate shall be signed by Two or more of the said Commissioners, and shall contain the Name or Names of every or any such County, Division, Parish, Ward, or Place, and of such Person or Persons as aforesaid, and the total Amount of the Sum or Sums in arrear or unpaid, and with which such County, Division, Parish, Ward, or Place, or such Person or Persons, is or are chargeable, and shall specify whether the same shall be due or owing in respect of the Land Tax or of the Assessed Taxes, and, where there shall be Arrears of both the said Duties, distinguishing the Amount due or owing in respect of each; and the said Remembrancer, upon the Receipt of any such Certificate, shall cause the same to be enrolled in his Office, and such Enrolment shall be and be deemed a Record in his Office as valid and effectual to authorize the issuing of any Process or Processes in the Law against the County, Division, Parish, Ward, or Place, and the Person or Persons, so rendered chargeable, and to and for all other Intents, Constructions, and Purposes whatsoever, as if such County, Division, Parish, Ward, or Place, or Person or Persons, had been actually returned in-super in any declared Account duly enrolled as of Record in the Office of the said Remembrancer.

Bonds and Securities not to be invalidated or affected by this Act.

XII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to release, discharge, invalidate, or affect any Bond or Security heretofore entered into or given to His Majesty, or to the Commissioners of Stamps, or the Commissioners for the Affairs of Taxes, or the Commissioners of Stamps and Taxes, or to any Officer or Person in their respective Employ, by any Person or Persons whatsoever, either as Principal or Surety, for securing the due accounting for or Payment of any Duties or Monies under the Care or Management of any such Commissioners as aforesaid, or for the good Conduct of any Officer, Clerk, or other Person, or for any other Purpose whatsoever relating to the said Duties or Monies, or any of them respectively; and that wheresoever, in any such Bond or Security as aforesaid, or in the Condition thereof respectively, or in any Act or Acts now in force, Mention is made of the Receiver General of Stamp Duties or of the Receiver General of Land and Assessed Taxes for the *London* District, the same, with reference to any Act, Matter, or Thing to be done or performed after the Commencement of this Act, shall be deemed and construed to apply to and to mean the Receiver General of Stamps and Taxes; and that wheresoever in any such Bond or Security or Condition as aforesaid, or in any Act or Acts now in force, Mention is made of the Accountant and Comptroller General of Stamp Duties or the Comptroller of Accounts of Land and Assessed Taxes, the same, with reference to  
any

any such Act, Matter, or Thing as aforesaid, shall be deemed and construed to apply to and to mean the Accountant and Comptroller General of Stamps and Taxes.

XIII. ' And whereas by an Act passed in the Forty-third Year of the Reign of King George the Third, intituled *An Act for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the same*, it is enacted, that the Commissioners of Taxes shall make out their Schedules containing the Sums discharged from Assessment for any Cause specially allowed by Law, and the Sums with which each and every Defaulter ought to be charged, and the Sums which shall not have been collected by Occasion of the Collector's Neglect, and which ought to be re-assessed on the Parish, Ward, or Place, and shall cause the said several Particulars to be inserted in a Schedule fairly written on Parchment under the Hands and Seals of such Commissioners or any Two or more of them, containing the Names and Surnames of the said Collectors, and the same to be delivered to the Receiver General, to be returned by such Receiver General into His Majesty's Court of Exchequer, whereupon every Person so making default of Payment, and each Parish, Ward, or Place so in default, may be charged by Process of Court according to the Course thereof in that Behalf: And whereas it is expedient that such Schedules as aforesaid should be deposited and remain with the said Commissioners of Stamps and Taxes at their Head Office;' be it therefore enacted, That all such Schedules as aforesaid which shall be made out at any Time after the Commencement of this Act shall be delivered over or transmitted by the Receiver General, Receiving Inspector, or other Receiver to whom the same shall have been delivered, to the Commissioners of Stamps and Taxes, and shall be deposited and remain in the Head Office of the said last-mentioned Commissioners; and the Production of any Schedule so deposited and purporting to contain the Name or Names of any such Defaulter or Defaulters as aforesaid shall be conclusive Evidence against any Person named therein as making default of Payment, and against every Parish, Ward, or Place named therein as in default, of the Sum or Sums mentioned in any such Schedule being due and owing and in arrear and unpaid to His Majesty, His Heirs and Successors, unless Payment thereof shall be proved; and every such Sum shall be recoverable from the Person and Persons making default of Payment thereof as a Debt upon Record to the King's Majesty, His Heirs and Successors, with full Costs of Suit, and all Charges attending the same.

Parchment Schedules of Defaulters to be deposited with the Commissioners of Stamps and Taxes.

XIV. And be it enacted, That so much and such Part and Parts of any Act or Acts in force as require the Commissioners for the Affairs of Taxes to transmit to the King's Remembrancer in England the Parchment Duplicates of Assessments of the Land Tax or Assessed Taxes, shall be and the same are hereby repealed: Provided always, that such Duplicates shall continue to be furnished and transmitted to the Commissioners of Stamps and Taxes in the Manner directed and required by the Laws in force, and the same shall remain deposited in the Head Office of the said Commissioners.

Parchment Duplicates of Assessments not to be transmitted to the King's Remembrancer.

XV. And



Penalty on Persons unlawfully receiving Public Monies from Collectors of Taxes.

XV. And be it enacted, That if any Person, not being duly appointed for that Purpose or legally authorized in that Behalf, shall knowingly or wilfully take or receive from any Collector of the Land Tax or Collector of the Duties of Assessed Taxes any Sum or Sums of Money arising from any of the said Taxes or Duties collected or received by such Collector, the Person so taking or receiving such Sum or Sums of Money shall forfeit Double the Amount of the Sum or Sums so taken or received, to be recovered, for the Use of His Majesty, His Heirs or Successors, with full Costs of Suit, in His Majesty's Court of Exchequer, and to be applied in the same Manner as any other Penalty so recovered may be applied under the Authority of any of the Acts relating to the said Duties.

Commissioners of the District to which any Person shall remove without paying the Duties assessed, to commit such Person to Prison in default of sufficient Distress.

XVI. ' And whereas by the last-recited Act where any Person shall quit his or her Place of Residence and remove to any other Parish or Place without first discharging or paying the Duties charged upon him or her, the Commissioners acting within the Parish or Place where such Duties are charged upon and unpaid by the Person removing as aforesaid are directed to sign and cause to be transmitted a Certificate thereof to the Commissioners acting within the Parish or Place where the Person making such Default or Payment shall happen to reside, which Commissioners, or any Two or more of them, are thereby directed and empowered to raise and levy the said Duties charged upon the Party removed as aforesaid: And whereas it frequently happens that no sufficient Distress can be found within the District or Division of the said last-mentioned Commissioners whereby the said Duties may be levied, and it is expedient to provide a further Remedy for the Recovery of the said Duties in such Cases;' be it therefore enacted, That where, upon the Transmission of any such Certificate as aforesaid, no sufficient Distress can be found within the District or Division of the Commissioners acting for the Parish or Place within which the Person removed shall happen to reside whereby the said Duties may be levied, then and in every such Case any Two or more of such last-mentioned Commissioners are hereby authorized and required, by Warrant under their Hands and Seals, to commit the Person so making Default of Payment as aforesaid to the Common Gaol, there to be kept without Bail or Mainprize until Payment shall be made of the said Duties and of all reasonable Costs and Expences.

Defaulters committed to Prison to be liable to the Payment of the Expences of their Commitment.

XVII. And be it enacted, That in any Case where, under or by virtue of any Act or Acts in force relating to the Duties of Assessed Taxes, or by or under this Act, the Commissioners of Taxes are authorized to commit any Person to Prison in default of Payment of any of the said Duties, it shall be lawful for the said Commissioners by their Warrant of Commitment to direct that any such Person shall be detained and kept in Prison until Payment shall be made as well of the said Duties as of such further Sum as the said Commissioners shall adjudge to be reasonable for the Costs and Expences of apprehending such Person and of conveying him or her to Prison; and every such Person shall be detained and kept in Prison according to the Tenor and Effect of such Warrant.

Commissioners of Taxes, by the Direction of the Treasury or the

XVIII. And be it enacted, That where, under or by virtue of any Act or Acts in force, any Person hath been or shall be committed to Prison by or under any Warrant of the Commissioners of Taxes

Taxes acting within or for any District or Division, for or by reason of his or her Neglect or Omission to pay any Duties which may have been assessed or charged upon him or her, or any Penalty incurred by him or her under any Act or Acts in force relating to the Land or Assessed Taxes, and he or she is or shall be detained in Custody solely under the Authority of any such Warrant as aforesaid, it shall be lawful for the same Commissioners, or for any Two or more of the Commissioners acting within or for the same District or Division, and they are hereby fully authorized and required, at the Request or by the Direction of the Commissioners of His Majesty's Treasury or the Commissioners of Stamps and Taxes for the Time being, signified in Writing signed by the Secretary or One of the Secretaries of the said respective Commissioners last mentioned, to issue their Warrant to the Gaoler or Keeper of any Gaol or Prison in which any such Person may be detained, for the Liberation of such Prisoner; and upon the Receipt of such last-mentioned Warrant such Gaoler or Keeper shall forthwith release and discharge out of Custody such Prisoner, if for no other Cause than as aforesaid he or she shall be detained.

Commissioners of Stamps and Taxes, may release Prisoners committed for Nonpayment of Duties or Penalties.

XIX. And for the Protection and Indemnity of the Commissioners and other Persons acting in the Execution of the several Acts relating to the Land Tax, be it enacted, That if any Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of any Act or Acts relating to the Land Tax, such Action or Suit shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid in the County or Place where the Cause of Complaint did arise, and not elsewhere; and no Writ or Process shall be sued out for the Commencement of such Action or Suit until One Calendar Month next after Notice in Writing shall have been delivered to or left at the usual Place of Abode of such Person or Persons by the Attorney or Agent for the intended Plaintiff or Plaintiffs, in which Notice shall be clearly and completely contained the Cause and Causes of Action, the Name and Place or Places of Abode of the intended Plaintiff or Plaintiffs, and of his or their Attorney or Agent; and no Evidence shall be given on the Trial of such Action or Suit of any Cause or Causes of Action other than such as is or are contained in such Notice; and the intended Defendant or Defendants to whom such Notice shall have been delivered may, at any Time before the Expiration of such Calendar Month, tender Amends to the intended Plaintiff or Plaintiffs, his or their Attorney or Agent, and in case such Amends shall not be accepted may plead such Tender in bar to any Action or Suit to be brought against him or them grounded on such Notice, Writ, or Process; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and also such Tender and any other Plea, with Leave of the Court, in bar of such Action or Suit, and may give this Act and the special Matter in Evidence at any Trial to be had thereupon; and if the Jury shall find for the Defendant in any such Action or Suit, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant, or Defendants shall have Treble Costs,

Limitation of Actions for Matters done in pursuance of the Acts relating to the Land Tax.

Notice of Action.

Tender of Amends.

General Issue.

Treble Costs.

and

Actions brought against Collectors to be defended by the Commissioners of the District, and Costs and Charges thereof to be defrayed by an Assessment on the Parish.

and have the like Remedy for the same as any Defendant hath in any other Case to recover Costs by Law; and every such Action or Suit which shall be brought against any Collector or Collectors of the Land Tax shall be defended by the Commissioners acting for the Division or Place where such Collector or Collectors shall have been appointed; and the Costs and Charges attending the same, as also any other Action or Suit to be brought by or against Commissioners or Collectors for any thing done in pursuance of any Act or Acts relating to the Land Tax, shall be defrayed by an Assessment made in a just Proportion on the several Lands, Tenements, and Hereditaments chargeable to raise the Quota fixed or assessed on the Parish or Place in or relating to which the alleged Cause of Action shall have arisen, or for which such Collector or Collectors shall have been appointed.

1 & 2 W. 4. c. 32.

XX. ' And whereas by an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to amend the Laws in England relative to Game*, it is amongst other Things enacted, that if any Person not having obtained a Game Certificate (except such Person be licensed to deal in Game according to the said Act) shall sell or offer for Sale any Game to any Person whatsoever, or if any Person authorized to sell Game under the said Act by virtue of a Game Certificate shall sell or offer for Sale any Game to any Person whatsoever, except a Person licensed to deal in Game according to the said Act, every such Offender shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so sold or offered for Sale such Sum of Money not exceeding Two Pounds as to the said Justices shall seem meet, together with the Costs of the Conviction; and it is by the said last-mentioned Act also enacted, that if any Person not being licensed to deal in Game according to the said Act shall buy any Game from any Person whatsoever, except from a Person licensed to deal in Game according to the said Act, or *bonâ fide* from a Person affixing to the Outside of the Front of his House, Shop, or Stall a Board purporting to be the Board of a Person licensed to deal in Game, every such Offender shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every Head of Game so bought such Sum of Money not exceeding Five Pounds as to the said Justices shall seem meet, together with the Costs of the Conviction: And whereas it is expedient to protect and indemnify in the Manner herein-after mentioned Persons who inform and prosecute for Offences committed against the Provisions of the said recited Act; be it therefore enacted, That from and after the passing of this Act every Person who shall inform and prosecute or give Evidence against any other Person or Persons for any Offence committed or to be committed against any of the said last-recited Enactments shall be indemnified, freed, and discharged from all and every Penalty and Penalties which he or she may have incurred or become liable to under the aforesaid Enactments, or any of them, for or by reason of any Transaction or Dealing which he or she may have had with the Person or Persons against whom he or she shall so inform and prosecute or give Evidence as aforesaid, provided the Information or Prosecution which the Person so informing and prosecuting as

Indemnity to Persons prosecuting for Offences committed against the recited Enactments.

aforesaid shall have instituted, or upon which the Person shall give Evidence, shall have been committed before the Institution of any Proceedings against him or her for the Recovery of any such Penalty or Penalties which he or she may have incurred or become liable to as aforesaid.

XXI. ' And whereas by the said last-recited Act certain Penalties and Forfeitures for Offences against the said Act are directed to be paid to some one of the Overseers of the Poor, or to some other Officer (as the convicting Justice or Justices may direct) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the General Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate; and it is expedient to reward the Persons who shall prosecute Offenders against the said Act; be it therefore enacted, That from and after the passing of this Act one Moiety of all such Penalties and Forfeitures as by the said last-recited Act are directed to be paid and applied as aforesaid shall go and be paid to the Person who shall inform and prosecute for the same, and the other Moiety thereof only shall go and be paid to such Overseer or Officer as aforesaid, and be by him applied in the Manner by the said last-recited Act directed; and the Form of Conviction set forth in the said last-recited Act shall, so far as relates to the Distribution of the Penalty for which Judgment shall be given, be made according to the Fact and conformably with the Direction given by this Act as to such Distribution.

XXII. ' And whereas it is expedient to transfer the Collection and Management of the Duties on Hawkers and Pedlars in Scotland from the Commissioners mentioned in an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, intituled *An Act to regulate Hawkers and Pedlars in Scotland*, and to place such Duties under the Care and Management of the Commissioners of Stamps and Taxes; be it therefore enacted, That from and after the Commencement of this Act the Rates and Duties granted and made payable by the said last-recited Act shall be payable and paid to and shall be under the Care and Management of the Commissioners of Stamps and Taxes for the Time being, and shall be denominated and deemed to be Stamp Duties.

XXIII. And be it enacted, That all and singular the Powers and Authorities, Rules, Regulations, and Directions, contained in the said last-recited Act, shall be used, executed, exercised, and put in force for the securing and collecting of the Duties thereby imposed by the Commissioners of Stamps and Taxes, as fully and effectually, to all Intents and Purposes, as if all and singular such Powers and Authorities, Rules, Regulations, and Directions, had been originally given and granted to such Commissioners of Stamps and Taxes, and as if the same were repeated and re-enacted in this Act; and it shall be lawful for such Commissioners of Stamps and Taxes, or any Person or Persons to be nominated by them for that Purpose, to grant Licences to Hawkers and Pedlars in Scotland, and to manage the said Duties in like Manner as the Commissioners nominated and appointed by the said recited Act might have done before the passing of this Act; and that all

One Moiety of Penalties recovered to be paid to the Informer, and the other to the Overseer or Parish Officer.

Duties on Hawkers and Pedlars in Scotland granted by 55 G. 3. c. 71. to be paid to Commissioners of Stamps and Taxes.

Powers of 55 G. 3. c. 71. shall be put in force by the Commissioners of Stamps and Taxes.

Penalties, &c. how to be sued for.

Fines, Penalties, and Forfeitures imposed by the said recited Act in respect of any Matter or Thing to be done, or refused or neglected to be done, by any Person or Persons in any ways relating to such Duties and Licences, shall be incurred and forfeited, and shall and may be sued for, recovered, and levied, mitigated, and applied, upon and in respect of the doing or neglecting to do any Acts, Matters, or Things relating to the said Duties and Licences by this Act placed under the Care and Management of the said Commissioners of Stamps and Taxes.

Powers, &c. of former Acts in relation to Duties under Commissioners of Stamps and Taxes shall be put in force with respect to the Duties put under their Management by this Act.

XXIV. And be it enacted, That all Powers, Provisions, Clauses, Regulations, and Directions, and all Fines, Forfeitures, Pains, and Penalties, contained in and imposed by any Act or Acts in force immediately before the Commencement of this Act, in relation to any of the Duties under the Management of the Commissioners of Stamps and Taxes, so far as the same or any of them may be applicable to the said Duties on Hawkers and Pedlars, shall be in full Force and Effect, and shall be observed, applied, enforced, and put in execution with respect to the Duties by this Act placed under the Management of the said Commissioners of Stamps and Taxes, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating to the said Duties, as fully and effectually, to all Intents and Purposes, as if all such Powers and Authorities, Rules, Regulations, and Directions, Provisions, Fines, Pains, Penalties, and Forfeitures, had been repeated and specially enacted in this present Act, and had been applied to the Duties by this Act placed under the Management of the said Commissioners of Stamps and Taxes.

Act to commence on the 1st August; and may be altered this Session.

XXV. And be it enacted, That where no other Period is fixed for the Commencement of this Act the same shall commence and take effect on the First Day of *August* One thousand eight hundred and thirty-five; and that this Act may be altered, amended, or repealed by any Act or Acts to be passed in this present Session of Parliament.

### CAP. XXI.

An Act to amend and alter an Act of the Fifty-ninth Year of His late Majesty King *George* the Third, for vesting in Commissioners the Line of Road from *Shrewsbury* in the County of *Salop* to *Bangor Ferry* in the County of *Carnarvon*; and for discharging the Trustees under several Acts of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-first, Forty-second, Forty-seventh, and Fiftieth Years of His then present Majesty, from the future Repair and Maintenance thereof; and for repealing so much of the said Acts as affects the said Line of Road. [30th *July* 1835.]

‘ WHEREAS an Act was passed in the Fifty-ninth Year of the  
 ‘ Reign of His late Majesty King *George* the Third, inti-  
 ‘ tuled *An Act for vesting in Commissioners the Line of Road from*  
 ‘ *Shrewsbury in the County of Salop to Bangor Ferry in the County*  
 ‘ *of Carnarvon; and for discharging the Trustees under several Acts*  
 ‘ *of the Seventeenth, Twenty-eighth, Thirty-sixth, Forty-first, Forty-*  
 ‘ *second,*

‘ second, Forty-seventh, and Fiftieth Years of His present Majesty, from the future Repair and Maintenance thereof; and for altering and repealing so much of the said Acts as affects the said Line of Road: And whereas an Act was passed in the said Fifty-ninth Year of the Reign of His said late Majesty King George the Third, intituled *An Act to amend an Act passed in the Fifty-fifth Year of His present Majesty, for granting to His Majesty the Sum of Twenty thousand Pounds towards repairing Roads between London and Holyhead by Chester, and between London and Bangor by Shrewsbury; and for giving additional Powers to the Commissioners therein named to build a Bridge over the Menai Straits, and to make a new Road from Bangor Ferry to Holyhead in the County of Anglesea*: And whereas the new Road from Bangor Ferry to Holyhead, authorized and directed to be made by the last-mentioned Act, was, soon after the passing the said Act, made and completed, and, in pursuance of the Directions therein contained, the said Road was on its being completed transferred to and given up by the Commissioners therein named to the Commissioners appointed by the said first-recited Act of the Fifty-ninth Year of the Reign of His late Majesty King George the Third, and the same is now vested in the said last-mentioned Commissioners, and is repaired and maintained by them under the Powers and Provisions of the said last-mentioned Act, which are made applicable thereto by the said last before-recited Act: And whereas the said first-recited Act requires to be explained and amended, and some Enactments thereof to be repealed:’ May it therefore please Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers and Provisions of the said first-recited Act of the Fifty-ninth Year of His said Majesty King George the Third, except such or so much thereof as shall be hereby repealed, altered, or varied, shall be extended to this Act, and form Part of the same, as if the same had been repeated and re-enacted in this Act.

59 G. 3. c. 48.

Powers of recited Act of 59 G. 3. extended to this Act.

II. And be it further enacted, That all and every the Acts, Matters, Powers, and Things whatsoever by the said first-recited Act authorized or directed to be done by Five or more of the said Commissioners shall and may from and after the passing of this Act be done by Three or more of the said Commissioners in all respects as if by the said Act the said Acts, Matters, and Things had been authorized or directed to be done by Three or more of the said Commissioners instead of Five or more of the said Commissioners.

Five or more Commissioners may act instead of Three or more.

III. And be it further enacted, That so much of the said first-recited Act as enacts that in case of a Vacancy or Vacancies by Death or Resignation of any One or more of the said Commissioners, it shall be lawful for the surviving or remaining Commissioners, or any Nine or more of them, as therein is mentioned, to supply such Vacancies, shall be and the same is hereby repealed.

Repeal of Power to Nine or more Commissioners to supply Vacancies.

IV. And be it further enacted, That in case of a Vacancy or Vacancies by Death or Resignation of any One or more of the said Commissioners it shall and may be lawful for the surviving or remaining

Three or more Commissioners may supply Vacancies.

remaining Commissioners, or any Three or more of them, present at any Meeting to be held in pursuance of the said first-recited Act, to nominate and appoint such Person or Persons as they may think proper to supply such Vacancy or Vacancies; and that every Person so nominated shall be held and considered to be invested with all the same Powers as are delegated to the Persons appointed by the said first-recited Act or this Act in whose Room such Person shall be so nominated.

Repeal of so much as authorises Toll for Overweight and narrow Wheels between Whitehurst's Gate and Bangor Ferry.

V. And be it further enacted, That so much of the said first-recited Act as enacts that it shall be lawful for the said Commissioners thereby appointed to take, from and after the First Day of *January* One thousand eight hundred and thirty-one, over and above the other Tolls by the same Act authorized to be taken at any and every Gate or Gates or Toll Bar along that Part of the said Line of Road lying between *Whitehurst's Gate* and *Bangor Ferry* thereby vested or directed to be thereafter vested in them, an additional Toll of Five Shillings for every Horse or other Beast therein mentioned and enumerated, under the Circumstances therein mentioned, shall be and the same is hereby repealed as and from the First Day of *June* One thousand eight hundred and thirty-six.

Commissioners may take Tolls for Overweight and narrow Wheels along the whole Line of Road from Shrewsbury to Holyhead.

VI. And be it further enacted, That it shall and may be lawful for the said Commissioners to take, from and after the passing of this Act, at any or every Gate or Gates or Toll Bar along the said Line of Road from *Shrewsbury* to *Holyhead*, for every Horse or other Beast drawing any Four-wheeled Carriage, the Weight of which together with the Loading thereof shall weigh above the Weight of Three Tons Ten Hundred Weight, and for every Horse or other Beast drawing any Two-wheeled Carriage the Weight of which together with the Loading thereof shall weigh above the Weight of One Ton Ten Hundred Weight, and for every Horse or other Beast drawing any Waggon, Wain, Cart, Tumbrel, Car, or Dray the Wheels whereof shall be of less Breadth than Three Inches on the Bottom or Sole thereof, and for every Horse or other Beast drawing any Waggon, Wain, Cart, Tumbrel, Car, or Dray having Wheels with Tires fastened thereon with Nails the Heads of which are not countersunk, and which shall project above the Surface of the Tires, the Tolls following; that is to say, Double the Amount of such Tolls as would otherwise be payable under or by virtue of the said first-recited Act or of this Act.

So much as directs a Payment yearly in lieu of Tolls in Knockin Road repealed.

VII. And be it further enacted, That so much of the said first-recited Act as enacts that the said Commissioners shall yearly pay to the Trustees therein mentioned the Sum of Fifty Pounds in lieu of the Tolls to be taken by the said Commissioners on the *Knockin* Road shall be and the same is hereby repealed.

Persons going and returning once in a Day only to be exempt from a Second Toll.

VIII. And whereas it is by the said recited Acts enacted, that no Person who shall have paid any such Tolls as are by the said Acts authorized to be taken by the said Commissioners for passing through any Turnpike standing on the said Lines of Road between *Shrewsbury* and *Bangor Ferry*, and between the Bridge across the *Menai Straits* and *Holyhead*, shall be subject to any Toll for returning through such Turnpike the same Day with the same Horse or Horses, Cattle or Carriages, but shall return Toll-free, except as in the said Acts is excepted; now be it enacted;

That nothing in the said Acts contained shall exempt any Person from paying a second or other Toll who after having returned shall on the same Day again pass through any Turnpike in the said Acts mentioned, although it be with the same Horse or Horses, Cattle or Carriages, but that all such Persons so passing shall be again liable to pay such Tolls as are by the said Acts authorized to be taken by the said Commissioners as in the said Acts is mentioned; but such Persons, on again returning on the same Day with the same Horse or Horses, Cattle or Carriages, shall be exempt from Payment of Toll in respect of so returning.

IX. And be it further enacted, That all Horses travelling for Hire under the Post-horse Duties Acts, having passed through any Turnpike Gate erected or to be erected on the said Line of Road between *Shrewsbury* and *Holyhead*, drawing any Carriage in respect of which any Toll shall have been paid, on returning through the Turnpike Gate at which the Toll shall have been paid, and the other Gates (if any) cleared by such Payment, either without such Carriage or drawing such Carriage, the same being empty, and without a Ticket denoting a fresh Hiring, shall be permitted to re-pass Toll-free, although such Horses or Carriage shall not have passed through such Turnpike Gate on the same Day, provided that such Horses so travelling shall return before Eight of the Clock of the Morning succeeding the Day on which they first passed the Turnpike Gate at which the Toll shall have been paid.

X. And be it further enacted, That nothing in the said recited Acts contained shall be taken to exempt any Person or Persons going to or returning from attending any Funeral from Payment of Toll, except the Toll and Tolls payable at any Toll Gate or Toll Gates which may be within the Distance of Five Miles from the Burial Ground at which such Funeral or Funerals shall take place.

XI. And be it further enacted, That so much of the said first-recited Act as enacts that all Waggons, Carts, and other Carriages, having the Wheels of the Width and Description and the Axle-trees fixed as mentioned and set forth in and by an Act made in the Fifty-fifth Year of the Reign of His said late Majesty, intituled *An Act to entitle the Trustees of Turnpike Roads to abate the Tolls on Carriages, and to allow their carrying extra Weight in certain Cases*, shall be entitled to an Abatement of One Fourth Part of the Tolls by the said Act now in recital granted, and to all the other Privileges and Exemptions granted by the said Act, shall be and the same is hereby repealed.

XII. And be it further enacted, That if any Rents payable in respect of or for any Tolls which already have been or shall at any Time hereafter be leased or agreed to be let in pursuance of the said recited Acts or this Act shall be in arrear for the Space of Three Days next after any of the Days on which the same ought to be paid, pursuant to the Lease or Agreement under which the same Tolls shall be holden, then and in that Case the said Commissioners for the carrying the said recited Acts into execution, or their Clerk, Treasurer, or Surveyor, or any Person authorized under the Hands of the said Commissioners, or under the Hand of their Clerk, Treasurer, or Surveyor, shall be at liberty and they are hereby authorized to enter into and upon the Possession of the

Post Horses having passed through any Gate may return Toll-free before Eight in the Morning of the following Day.

Exemptions from Toll in respect of attending Funerals.

Repeal of Abatement of Tolls for certain Description of Wheels.

55 G.3. c. 119.

Re-entry in case of Default in Payment of Rents for Tolls.



Toll House or Toll Houses, with the Buildings, Gates, and Appurtenances, so let or agreed to be let as aforesaid, and to put out such Lessee or Lessees, Farmer or Farmers, from the Possession thereof, and from the Collection of the Tolls there payable; and thereupon it shall be lawful for the said Commissioners (if they shall think fit) to vacate such Lease or Agreement for letting the Tolls to such Lessee or Lessees, Farmer or Farmers, and the same shall be utterly void (save as to the Covenants or Agreements for the Payment of the Rent or Rents thereby reserved); and it shall be lawful for the said Commissioners in every such Case to demise or let to farm the said Tolls again to any other Person or Persons, or cause the same to be taken or collected, as if no former Lease or Agreement had been entered into relative thereto.

Repeal of Clause relating to Statute Labour, &c. ;

XIII. And be it further enacted, That so much of the said first-recited Act as enacts that all Persons who by Law are or shall be liable to do Statute Work, or are or shall be chargeable towards repairing and amending the said Line of Road, or any Part thereof, shall remain liable thereto, shall be and the same is hereby repealed.

and of Provision allowing Composition for it.

XIV. And be it further enacted, That so much and such Parts of the said first-recited Act as relate to the compounding for such Statute Work to be done on the said Line of Road, or any Part thereof, shall be and the same are hereby repealed.

Provisions of General Turnpike Acts, 3 G. 4. c. 126. and 4 G. 4. c. 95., as to Statute Labour, to extend to this Act.

XV. And be it further enacted, That all and every the Provisions, Enactments, and Authorities contained in an Act passed in the Third Year of His late Majesty King *George the Fourth*, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, and in an Act passed in the Fourth Year of the Reign of King *George the Fourth*, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*, and all and every the Forms to the said Acts or either of them annexed, as are now in force and which relate to Statute Labour to be done for the repairing and amending Turnpike Roads, or the Composition for the same, shall be applicable to the said Commissioners, and the said Line of Road vested in them from *Shrewsbury to Holyhead*, in all respects whatsoever as if such Powers and Provisions were herein repeated and made applicable to the said Line of Road, and the said Commissioners and their Officers, and those acting under them; and such Statute Labour, as regards the said Line of Road and the Persons liable to do the same, shall be done and performed in all respects as the same is directed to be done and performed under or by virtue of the said Acts or either of them.

Commissioners may award Moiety of any Penalty to Informer.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, if they shall think fit, to direct and award that any Part not exceeding One Moiety of any Fines or Penalties by the said first-recited Act or this Act directed to be paid to the Treasurer or Treasurers for the Time being of the said Commissioners may be paid to the Person or Persons upon whose Information such Penalty or Fine may have been incurred.

XVII. And

**XVII.** And be it further enacted, That in all Cases where Credit shall have been given for the Tolls by the said recited Acts and this Act authorized to be imposed it shall be lawful for the said Commissioners, or any Person or Persons acting by and with their Consent and Authority, after Demand made by any Collector or Collectors, and Neglect or Refusal on the Part of the Party or Parties on whom such Demand shall have been made to pay the same or any Part thereof, to recover all Arrears due by Distress of the Goods and Chattels of the Party or Parties so owing, and neglecting or refusing to pay the same, such Distress to be levied by Warrant, to be obtained by Application to any Justice of the Peace for the County or Place where the Party or Parties owing the same shall be or reside (which Warrant such Justice is hereby authorized and required to grant, on the Oath of any Toll Collector or Surveyor, or other Agent or Person employed by the said Commissioners, that such a Sum is due for Arrears, and also to administer such Oath *gratis*); and if such Arrears, and the reasonable Charges of such Distress, shall not be paid within the Space of Five Days next after such Distress made, the said Commissioners, or such Person or Persons so distraining as aforesaid, may sell the Goods and Chattels so distrained for Payment of the said Arrears, rendering the Overplus (if any), on Demand, to the Owner or Owners thereof, after such Arrears and all reasonable Charges shall be deducted.

Power to compel Payment of Arrears of Toll where Credit is given.

**XVIII.** And be it further enacted, That it shall be lawful for the said Commissioners for the Time being to borrow and take up at Interest such Sum and Sums of Money as they shall from Time to Time think fit upon the Credit of the Tolls arising by virtue of the said recited Acts or this Act, or any Part thereof, for the Purpose of paying off and discharging any Sum or Sums of Money now secured on the said Tolls, or any Part thereof, so that such Sum or Sums shall bear a lower Rate of Interest than is now paid for the Monies so to be paid off; and all and every such Securities, or the Transfers thereof, shall be made in all respects as by the said first-recited Act is directed with respect to the Monies thereby authorized to be raised on the Security of the said Tolls; and all Monies so to be raised shall be paid and applied in and towards the Satisfaction of some existing Charge on the said Tolls; and all and every the Provisions and Forms in the said first-recited Act relating to Mortgages thereby authorized, or the Transfer thereof, shall apply to any Mortgage to be made in pursuance of this Power, or to any Transfer thereof.

Power to borrow Money at a lower Rate of Interest, to pay off existing Debt.

**XIX.** And be it further enacted, That it shall be lawful for the said Commissioners for the Time being, and they are hereby authorized and empowered, to treat and agree with any Person or Persons who have already advanced or shall hereafter advance any Sum or Sums of Money on the Security of the Tolls arising by virtue of the said recited Acts or this Act, or any Part thereof, for the Payment and Receipt of a lower Rate of Interest for the Sum or Sums of Money so advanced than is or shall be expressed to be payable in the Assignment or Mortgage of the Tolls made or granted for securing the same; and an Agreement for the Payment and Receipt of such lower Rate of Interest shall be indorsed upon such Security or Securities respectively; and such lower Rate of Interest shall from thenceforth be and continue payable in the

Power to agree with Mortgages of Tolls for Payment of lower Rate of Interest.

Manner stipulated for the Payment of the original Rate of Interest in lieu of which such lower Rate of Interest shall be agreed to be paid and received.

Fine for removing Road Fences, &c.

XX. And be it further enacted, That if any Person shall remove any Road Fences or Walls made or repaired by the said Commissioners without the written Authority of the Surveyor of the said Commissioners, every such Person so offending shall forfeit for every such Offence Twenty Shillings to such Person as shall make Information of the same, and shall in addition pay all the Expences of reinstating the same; and further, when any such Removal of any Fences or Walls shall be allowed, proper Curb Stones or other Protection, to the Satisfaction and according to the Direction of the Surveyor of the said Commissioners, shall be fixed along the Line of the Side Channel for the Distance where such Fences or Walls may have been removed, except at the Junction of Roads and at Gateways; and if the Person so removing such Fences or Walls shall not within One Week comply with the Direction of the said Surveyor in fixing proper Curb Stones or other Protection as aforesaid, then the same may be done, under the Direction of the Surveyor of the said Commissioners, by any Person or Persons he may appoint for that Purpose.

Penalty for Encroachments on the Side of Road.

XXI. And be it further enacted, That if any Person shall make or cause to be made any Dwelling House or other Building, or any Hedge or other Fence, on or at the Side of any Part of the aforesaid Line of Road, in such Manner as to reduce the Breadth or confine the Limits thereof, or shall fill up or obstruct any Ditch at the Side thereof, or shall make or cause to be made any Dwelling House or other Building, or any Hedge or other Fence, on any Common or Waste Land on the Side or Sides of the said Road, within the Distance of Thirty Feet if within Three Miles of any Market Town, or if beyond that Distance within Twenty-five Feet from the Middle or Centre thereof, or shall make any Encroachment by taking in any small Pieces of Waste, or shall make any Drain, Sink, or Watercourse across or otherwise break up or injure the Surface of the said Road or any Part thereof, or shall plough, manure, or break up the Soil of any Land or Ground, or in ploughing or harrowing the adjacent Land shall turn his or their Plough or Harrow in or upon any Land or Ground within the Distance aforesaid from the Middle of the said Road, every Person so offending shall for every such Offence forfeit the Sum of Forty Shillings to such Person as shall make Information of the same; and it shall be lawful for the said Commissioners or their Surveyor to cause such Dwelling House or other Building, Hedge, Ditch, or Fence, Drain, Sink, Watercourse, Gutter, or other Encroachment, to be taken down, restored, removed, or filled up, or, when any Ditch shall have been filled up or obstructed, to be opened and cleansed, at the Expence of the Person or Persons to whom the same shall belong; and it shall and may be lawful for One or more Justice or Justices of the Peace of the County where such Offence shall be committed, upon Proof thereof to him or them made upon Oath, to levy as well the Expences of removing and restoring any such Fences or Walls as aforesaid, or placing such Curb Stones or other Protection as aforesaid, or of taking down or filling up or clearing such Dwelling House or other Building, Hedges,

Hedges, Ditches, Drains, or other Encroachments, as the several Penalties hereby imposed; and also the Costs and Charges of levying and recovering the said Expences and Penalties respectively, by Distress and Sale of the Offender's Goods and Chattels, rendering the Overplus (if any) to the Owner, on Demand.

XXII. And be it further enacted, That so much of the said first-recited Act as enacts that the said Commissioners may, at the respective Gates or Turnpikes on the said Line of Road between *Oswestry* and the Boundary of the Counties of *Denbigh* and *Merioneth*, receive the several Tolls in the said Act mentioned for every Horse or other Beast drawing any Coach, Chariot, Landau; Berlin, Chaise, Calash, Hearse, Chair, Waggon, Wain, Wheel Car, Cart, Tumbril, Car, Dray, or Sledge, and for every Horse or other Beast, laden or unladen, and not drawing, and that such Tolls may be charged Twice and not oftener in One Day, shall be and the same is hereby repealed as from the First Day of *June* One thousand eight hundred and thirty-six.

Repealing so much as limits Amount of Toll at certain Gates.

XXIII. And be it further enacted, That from and after the First Day of *June* One thousand eight hundred and thirty-six it shall and may be lawful for the Commissioners for the Time being of the said recited Acts, and they are hereby authorized and empowered, to take, collect, and receive, in lieu of the Tolls hereby repealed, and in addition to such of the other Tolls authorized to be received and taken by the said first-recited Act as are not hereby repealed, the respective Tolls following, at the respective Gates or Turnpikes herein-after mentioned, or at the Bars or Gates which have been or shall be hereafter erected and attached to such respective Gates or Turnpikes on that Part of the said Line of Road lying between *Oswestry* and the Boundary of the Counties of *Denbigh* and *Merioneth*; (that is to say,)

New Scale of Tolls between *Oswestry* and *Llangollen*.

For every Horse or other Beast drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Hearse, Chair, Waggon, Wain, Wheel Car, Cart, Tumbril Car, Dray, or Sledge, any Sum not exceeding Three-pence at the *Llwyn Gate*; any Sum not exceeding Two-pence at *Whitehurst Gate*; and any Sum not exceeding Four-pence at the *Llangollen Gate*:

And for every Horse or other Beast, laden or unladen, and not drawing, any Sum not exceeding One Penny at the *Llwyn Gate*; any Sum not exceeding One Halfpenny at *Whitehurst Gate*; and any Sum not exceeding One Penny at the *Llangollen Gate*.

XXIV. And be it further enacted, That any Lease or Contract or Agreement, which by the said first-recited Act or this Act may be made or entered into by the said Commissioners for the letting the Tolls authorized to be taken by the said Commissioners, may be signed by the Chairman, or by the Clerk of the said Commissioners, in case the said Chairman or Clerk shall be authorized to sign the same, in Writing, by Three of the said Commissioners; and that all such Leases, Contracts, and Agreements shall be good and effectual to all Intents whatsoever, notwithstanding the same may not be by Deed or under Seal, any Act of Parliament or Law to the contrary thereof notwithstanding.

Chairman or Clerk may execute Leases of Tolls.

XXV. And be it further enacted, That every Steam Carriage or Locomotive Engine, including any One Carriage with not more than

As to Tolls for Steam Carriages.

than Four Wheels, drawn thereby, passing along the Line of Road vested in the said Commissioners, shall pay a Toll not exceeding Double the Amount of Toll by the said recited Acts payable by a Stage Coach drawn by Four Horses; and that every other separate Carriage, whether with Two or Four Wheels, attached or in any-wise connected with any such Steam Carriage or Locomotive Engine, shall pay the same Toll as Stage Coaches drawn by Four Horses.

Commissioners  
may let Tolls  
by private  
Tender.

XXVI. ' And whereas it is by the said first-recited Act amongst other Things enacted, that the said Commissioners may in manner therein mentioned let the Tolls by the said Act granted, or any Part thereof, and also the Turnpikes, Toll Houses, and Weighing Machines vested in them by virtue of the said Act, as in the said Act is mentioned, unto any Person or Persons who shall be willing to take the same, as in the said Act is mentioned, such Notice of the Intention to let the same having been given as in the said Act is directed; ' be it therefore enacted, That in addition to the Powers in the said Act contained it shall and may be lawful for the said Commissioners from Time to Time to let the said Tolls and other the Premises by the said Act authorized to be let, or any Part thereof, by private Tender, and without giving such Notice as in the said Act is directed, for any Term not exceeding Three Years at any one Time, for the best Rent that can be gotten for the same, and under such Covenants as the said Commissioners shall direct.

Repealing so  
much as imposes  
a Penalty for  
destroying Mile  
Stones.

XXVII. And be it further enacted, That so much of the said first-recited Act as enacts that if any Person shall wilfully pull up or damage any Direction or Mile Post or Stone erected or fixed in or near the Side or Sides of the said Line of Road from *Shrewsbury* to *Bangor Ferry*, or should otherwise commit any Nuisance on or regarding or respecting the said Road as in the said Act is particularly enumerated, every Person so offending should for every such Offence forfeit and pay any Sum not exceeding Five Pounds, shall be and the same is hereby repealed.

Penalty for  
defacing Mile  
Stones and com-  
mitting any  
Nuisance.

XXVIII. And be it further enacted, That if any Person or Persons shall wilfully or otherwise pull up or damage any Direction or Mile Post or Stone erected or fixed, or to be erected or fixed, in or near the Side or Sides of the said Line of Road from *Shrewsbury* to *Holyhead*, or shall obliterate or deface any of the Letters, Figures, or Marks inscribed thereon or affixed thereto, or shall injure or damage any Table of Tolls put up at any Toll Gate or Bar on any Part of the said Line of Road, or deface or obliterate any of the Inscriptions thereon, or if any Person shall wilfully or otherwise pull up or throw down, break or injure, any Posts, Rails, Walls, or Fences along or near any Part of the said Line of Road, or at or near any Pit or Quarry which shall be used, opened, or made for the getting of Stones, Gravel, or other Materials for the Purposes thereof, in order to prevent Accidents, or shall cut down, injure, or destroy any Quicks or Willows planted by the said Commissioners along or near any Part of the said Line of Road, or if any Person shall cause any Damage or Injury to be done to any Bridge, Arch, or Wall, or other Building set up or to be erected by virtue of this Act or the said recited Acts, or otherwise, on any Part of the said Road or the Side thereof; or if any Person shall  
ride

ride on any Footpath formed or maintained by the Surveyor of the said Commissioners upon or on the Side of or adjoining to the said Line of Road, or shall drive any Horse, Beast, or Swine, or any Carriage, upon or cause any Damage to be done to any such Footpath; or if any Person, after having blocked any Carriage whatsoever in going up any Hill or rising Ground, shall leave on the said Road the Stone or other Thing used in such blocking; or if any Person shall cause to be haled or drawn any Timber, Stone, or other Thing which shall be carried upon Wheel Carriages to drag upon the said Line of Road, or any Part thereof, to the Prejudice thereof; or if any Person driving any Pigs or Swine upon the said Line of Road or any Part thereof shall suffer the said Pigs or Swine to root up the same, or the Fences on either Side thereof; or if any Person shall turn, or permit or suffer his, her, or their Horse or Horses or other Beast or Beasts, Cattle, Pigs, or Swine, to feed, graze, or run loose upon any Part of the said Line of Road, or on the Side or Sides thereof; or if any Person shall, in or upon the said Line of Road, or by the Side or Sides thereof, or in any exposed Situation near thereto, kill, slaughter, singe, scald, burn, dress, or cut up any Beast, Swine, Calf, Lamb, or other Cattle; or if any Person driving any Carriage on the said Line of Road, and meeting another Carriage, shall not keep his or her Carriage on his or her Left or Near Side of the Road; or if any Person shall wilfully or otherwise prevent another from passing him or her, or any Carriage under his or her Care; or if any Person driving any Horse or other Beast on the said Line of Road carrying any Iron Bar or Rod, Basket or Pannier, or any other Matter or Thing, shall place such Bar or Rod, Basket or Pannier, Matter or Thing, so that the same or any of them shall project more than Thirty Inches from the Side of such Horse or other Beast, or so as in any Manner to obstruct or impede the Passage of any Person, or any Horse, Beast, or Carriage travelling along the said Line of Road; or if any Person shall make or assist in making any Fire or Fires, or shall set fire to or let off or throw any Squib, Rocket, or Fire Works whatsoever, or play at Foot-ball, on any Part of the said Line of Road; or if any Blacksmith, or other Person occupying a Blacksmith's Shop situate near the said Line of Road, and having a Window or Windows fronting thereto, shall not by good and close Shutters, every Evening after it becomes Twilight, bar and prevent the Light from such Shop shining into or upon the said Line of Road; or if any Person shall leave any Carriage (except in Cases of Accident) upon or on the Side of any Part of the said Line of Road longer than may be necessary to load or unload the same, either with or without any Horse or other Beast of Draught harnessed or yoked thereto, or shall lay any Timber, Stones, Hay, Straw, Dung, Manure, Soil, Rubbish, or other Matter or Thing whatsoever, upon any Part of the said Line of Road, or on the Side or Sides thereof, to the Prejudice thereof, or to the Annoyance of Persons travelling thereon; or if any Person or Persons shall, without the Consent of the Surveyor of the said Commissioners, scrape off any Mud, Soil, or any other Matter or Thing which shall lie or be upon the said Line of Road or any Part thereof; or if any Person shall suffer any Water, Filth, Dirt, or other offensive

offensive Matter or Thing whatsoever, to run or flow into or upon the said Line of Road or Footpaths from any House, Building, Erection, Lands, or Premises adjacent thereto; or if any Person or Persons shall pull down, damage, injure, or destroy any Lamp or Lamp Post put up, erected, or placed in or near the Side of the said Line of Road, or Toll House erected thereon, or shall extinguish the Light of any such Lamp; every such Person so offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Damages occasioned thereby; such Damages to be assessed and recovered in the same Manner and as if the same were a Penalty.

Cattle found straying on the Road to be impounded.

XXIX. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found tethered or wandering, straying or lying, about any Part of the aforesaid Line of Road (except on any Parts of such Road as lead or pass through or over any Common or Waste or uninclosed Ground), it shall and may be lawful for any Surveyor of the said Commissioners, where the same shall be found, or any other Person or Persons whomsoever, to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound (if any) of the Parish, Township, Tithing, or Place where the same shall be found, or in such other Place as the said Commissioners shall have provided or shall provide for that Purpose, and the said Horse, Ass, Sheep, Swine, or other Beast or Cattle there to detain until the Owner or Owners thereof shall for each and every Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay the Sum of Two Shillings, together with the reasonable Charges and Expences of impounding and keeping the same, to the Treasurer, Clerk, or Surveyor of the said Commissioners, the said Sum of Two Shillings for each Beast to be applied to the Use of and in aid of the Tolls of such Road; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, (Notice being first given to the Owner, if known at the Time, or if not known by affixing written Notices at the Two next Toll Gates on the Road nearest to the Place where the same shall be impounded,) it shall and may be lawful for any One or more Justice or Justices of the Peace of the County or Place where the Offence shall have been committed to order every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, to be sold, except where it shall be made to appear to such Justice or Justices that the Horse, Ass, Sheep, Swine, or other Beast impounded escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being the Owner or Occupier of such Inclosure, or employed by such Owner or Occupier, in which Case such Justice or Justices may remit such Penalty; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising from such Sale within Twenty-one Days after such Sale shall have taken

taken place, the said Money shall be applied, after deducting the said Charges and Expences, in the same Manner as the said Sum of Two Shillings is herein-before directed to be applied: Provided always, that no Owner of any Horses, Asses, Sheep, Swine, or other Beast or Cattle impounded as aforesaid, shall in any Case pay more than the Sum of Five Pounds, over and above the Charges and Expences of impounding and keeping the same, for any Number of Horses, Asses, Sheep, Swine, or other Beasts or Cattle impounded at one Time; and provided always, that nothing in this Clause shall be deemed, taken, or construed to extend to take away any Right of Pasturage which may exist on the Sides of any Part of the said Line of Road.

XXX. And be it further enacted, That in case any Person or Persons shall release or attempt to release any Cow, Horse, Ass, Swine, or other Live Stock or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act, from the Pound or Place where the same shall be so impounded, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto, or with which the same shall be fastened, or shall rescue or release, or shall attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Cow, Horse, Ass, Swine, or other Live Stock or Cattle seized or so impounded, or such Distress and Levy so made, shall be discharged by due Course of Law, every Person so offending shall, upon Conviction thereof before any One of His Majesty's Justices of the Peace for the County or Place where the Offence shall have been committed, either upon Confession of the Party or Parties offending, or upon the Oath of One credible Witness, and which Oath the said Justice is hereby authorized and empowered to administer, be committed by such Justice, by Warrant under his Hand and Seal, to the Common Gaol or House of Correction of such of the said Counties where the said Offence shall have been committed, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Punishing Persons guilty of Pound Breach.

XXXI. And whereas Doubts may arise as to what is to be deemed the said Road or the Centre of the said Road so vested in the said Commissioners, or some Parts thereof; be it therefore enacted, That when any Matter or Thing is directed or forbidden to be done by this Act or the said recited Acts, or otherwise, within a certain Distance of the Centre of the said Road, that Portion of the Ground shall be deemed to be the Road which has been maintained by the said Commissioners as hard Road, with Stones or Gravel or other Materials used in forming Roads, for Six Months immediately preceding any Offence committed against such Regulations; and the Centre of the Road shall be the Middle of such hard Road, when a Line being drawn along the Road, or a Point marked, an equal Number of Feet of hard Road which have been so maintained as aforesaid for Six Months before shall be found on each Side of such Line or Mark.

What shall be the Centre of the Road.

XXXII. And for the Discovery of Offenders, be it further enacted, That the Owner or Owners of every Waggon, Wain, or Cart, or other such Carriage, passing along any Part of the aforesaid Line of Road, shall, from and after the First Day of August

Owners of Waggon, &c. to have their Names painted thereon.

One



One thousand eight hundred and thirty-five, paint or cause to be painted in One or more straight Line or Lines upon some conspicuous Part of the Right or Off Side of his, her, or their Waggon, Wain, or Cart, or other such Carriage, or upon the Off Side Shafts, before the same shall be used upon the said Road, his, her, or their Christian and Surname, and the Place of his, her, and their Abode, or the Christian and Surname and Place of Abode of the principal Partner or Owner thereof, at full Length, in large legible Letters not less than One Inch in Height, and continue the same thereupon so long as such Waggon, Wain, Cart, or other such Carriage shall be used upon the said Line of Road or any Part thereof; and every Owner and Proprietor of any Waggon, Wain, or Cart, or other Carriage, who shall use or allow the same to be used on the said Road or any Part thereof without the Names and Descriptions painted thereon as aforesaid, or who shall paint or cause to be painted any false or fictitious Name or Place of Abode on such Waggon, Wain, or Cart or other Carriage, shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Drivers of Wag-  
gons or Carts  
not to ride  
thereon, unless  
some other  
Person on Foot  
guide the same.

XXXIII. And whereas many Accidents happen and great Mischiefs are frequently done upon the said Line of Road by the Negligence or wilful Misbehaviour of Persons driving Carriages thereon; be it therefore enacted, That if the Driver of any Waggon or Cart of any Kind shall ride upon any such Carriages in the said Road, not having some other Person on Foot or on Horseback to guide the same (such Light Carts as are usually driven with Reins, and are then conducted by some Person holding the Reins of the Horse or Horses, not being more than Two, drawing the same, excepted); or if the Driver of any Carriage whatsoever, on any Part of the said Road, shall by Negligence or wilful Misbehaviour cause any Hurt or Damage to any Person or Carriage passing or being upon the said Road, or shall quit the Road and go on the other Side the Hedge or Fence inclosing the same, or wilfully be at such a Distance from such Carriage or in such a Situation, whilst it shall be passing upon the said Road, that he cannot have the Direction and Government of the Horses or Cattle drawing the same; or if any Person shall drive or act as the Driver of any such Coach, Post Chaise, or other Carriage let for Hire, or Waggon, Wain, or Cart, not having the Owner's Name, as hereby required, painted thereon, or shall refuse to discover the true Christian and Surname of the Owner or principal Owners of such respective Carriage; or if the Driver of any Waggon, Cart, Coach, or other Carriage whatsoever, meeting any other Carriage, shall not keep his or her Carriage on the Left or Near Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person or Persons from passing him or her, or any Carriage under his or her Care, upon the said Road, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Carriage, or of His Majesty's Subjects, on the said Road; every such Driver so offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, the View of a Justice of the Peace, or by the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace of the Limit where such Offence shall be committed, or where such Offender shall be apprehended, shall for every such Offence forfeit

any Sum not exceeding Forty Shillings, in case such Driver shall not be the Owner of such Carriage, and in case the Offender be the Owner of such Carriage then any Sum not exceeding Five Pounds, and in either of the said Cases shall in default of Payment be committed to the House of Correction for any Time not exceeding One Month, unless such Forfeiture shall be sooner paid; and every such Driver offending in either of the said Cases shall and may by the Authority of this Act, with or without any Warrant, be apprehended by any Person or Persons who shall see such Offence committed, and shall be conveyed before some Justice of the Peace, to be dealt with according to Law; and if any such Driver in any of the Cases aforesaid shall refuse to discover his Name, it shall and may be lawful for the Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall be made, to commit him to the House of Correction for any Time not exceeding Three Months, or to proceed against him for the Penalty aforesaid, by a Description of his Person and the Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name.

XXXIV. And be it further enacted, That it shall be lawful for the Surveyor and Surveyors, and such other Person and Persons as shall be appointed by the said Commissioners, from Time to Time to cut, make, or maintain Drains or Watercourses upon and through any Lands lying contiguous to any Road under the Direction or Control of the said Commissioners, and also to make Ditches in any such Places and in such Manner as such Surveyor and Surveyors, by Order of the said Commissioners, shall judge necessary, and make sufficient Fences and Barriers and other Erections on any Part or Parts of the said Road, in order to prevent any Rivulet or Current of Water from flooding the same, as such Surveyor and Surveyors shall judge necessary, making such Satisfaction to the Owners or Occupiers of such Lands to be used, cut through, or built upon, for the Damages which they or any of them may sustain thereby, as the said Commissioners shall judge reasonable; and in case of any Difference between such Owners and Occupiers and the said Commissioners touching such Damages, the same shall be finally settled by any Two or more Justices of the Peace for the County, City, or Place in which such Drain or Watercourse shall lie or be situate.

XXXV. Provided always, and be it enacted, That the said Commissioners shall not be required to pay any larger Sum, as a Satisfaction for any Materials raised, taken, or carried away from any Lands or Grounds for making or repairing the said Road, than such Sum of Money as it shall appear to the Two Justices settling and determining such Satisfaction that such Materials might or could have been actually sold for in case the same had not been raised, taken, or carried away by the said Commissioners; and in case the said Justices shall be of opinion that the said Materials, before they had been so raised, taken, or carried away, could not have been sold or disposed of, then the said Justices shall only assess the Damage done to the Lands or Grounds of the Owners or Occupiers thereof by the raising, gathering, or carrying away the same.

Surveyors may  
make Drains,  
&c.

Justices to  
award for  
Materials no  
larger Sum than  
they could ac-  
tually be sold for.

XXXVI. And

Gravel, &c. that has been raised not to be removed without giving Notice to the Surveyor.

XXXVI. And be it further enacted, That notwithstanding any thing in the said first-recited Act contained it shall not be lawful for any Person or Persons whomsoever to remove or carry away any Gravel, Stone, or other Materials which shall have been quarried, dug, or raised by the Surveyor of the said Commissioners or his Workmen from, and shall be left by him or them in, any Gravel Pit or Quarry opened for the Purpose of getting Materials for the said Line of Road, (notwithstanding the said Surveyor or his Workmen may have discontinued working in such Gravel Pit or Quarry for the Space of Thirty Days,) without first giving Twenty-one Days Notice in Writing to the said Surveyor to remove and take away the same; and if any Person or Persons shall remove or carry away any such Gravel, Stone, or other Materials so quarried, dug, or raised as aforesaid before the Expiration of Twenty-one Days from the Time such Notice shall be so given as aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, in addition to the Value of the Gravel, Stone, or other Materials so removed or carried away as aforesaid.

Commissioners may renew Mortgages lost or mislaid.

XXXVII. And be it further enacted, That in all Cases where it shall appear by the Books kept by the Clerk or Treasurer to the said Commissioners, or by any satisfactory Evidence adduced at any Meeting of the said Commissioners, that any Person or Persons is or are a Creditor or Creditors on Security of the Tolls authorized by the said recited Acts or this Act to be taken, and that the Mortgage or Assignment of the Tolls for securing any such Sum or Sums of Money has been lost, mislaid, or by Accident destroyed, it shall and may be lawful for the said Commissioners, or any Three or more of them, to execute, at the Expence of the Person or Persons applying for the same, an Assignment of the Tolls by the said recited Acts or this Act granted for the Sum or Sums of Money mentioned in such original Assignment or Transfer; and every Assignment to be executed shall be valid and effectual for the Purposes thereby intended, and shall be considered as substituted in all respects for the former Mortgage or Assignment, which shall on such new Mortgage or Assignment being executed be in all respects void.

Repeal of Clauses in former Act extending to it the Powers of General Turnpike Acts.

XXXVIII. And be it further enacted, That so much of the said first-recited Act as enacts that the several General Acts made for the Regulation of Turnpike Roads in *England* and *Wales* should and were thereby declared to extend to the said Act now in recital, and that it should be lawful for the said Commissioners thereby appointed to exercise and put in execution all the Powers and Authorities by the said General Acts given to and authorized to be executed by Trustees of Turnpike Roads, as fully and amply as any Trustees might do under the Authority of the said General Acts or either of them, shall be and the same is hereby repealed.

Commencement of Act.

XXXIX. And be it further enacted, That this Act and the several Powers and Matters herein contained, except where otherwise directed by this Act, shall take effect and come into operation from the First Day of *August* One thousand eight hundred and thirty-five.

Public Act.

XL. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

## CAP. XXII.

An Act to continue for Three Years, and from thence to the End of the then next Session of Parliament, Two Acts of the Second and Third Year and the Third and Fourth Year of His present Majesty, relating to the Care and Treatment of Insane Persons in *England*.

[21st August 1835.]

WHEREAS an Act was passed in the Second and Third Year of the Reign of His present Majesty, intituled *An Act for regulating for Three Years, and from thence until the End of the then next Session of Parliament, the Care and Treatment of Insane Persons in England*: And whereas the said recited Act was amended by an Act passed in the Third and Fourth Year of the Reign of His present Majesty, intituled *An Act to amend an Act of the Second and Third Year of the Reign of His present Majesty, for regulating the Care and Treatment of Insane Persons in England*: And whereas the said recited Acts will shortly expire, and it is expedient that the same should be further continued: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts shall be and the same are hereby further continued for the Term of Three Years, and from thence to the End of the then next Session of Parliament.

2 & 3 W. 4.  
c. 107.

3 & 4 W. 4. c. 64.

Recited Acts  
further con-  
tinued.

## CAP. XXIII.

An Act for the Establishment of Loan Societies in *England* and *Wales*; and to extend the Provisions of the Friendly Societies Acts to the Islands of *Guernsey*, *Jersey*, and *Man*.

[21st August 1835.]

WHEREAS certain Institutions for establishing Loan Funds have been and may be established in *England*, *Wales*, and *Berwick-upon-Tweed*, for the Benefit and Advantage of the Labouring Classes of His Majesty's Subjects, and it is expedient to give Protection to the Funds of such Institutions, and to afford Encouragement to the Formation of other Institutions of a like Kind: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, That if any Number of Persons who have formed or shall form any Society in any Parish, Township, or Place in *England*, *Wales*, or *Berwick-upon-Tweed*, for the Purpose of establishing a Society for a Loan Fund for the Industrious Classes in *England*, *Wales*, or *Berwick-upon-Tweed*, and receiving back Payment for the same by Instalments, with the legal Interest due thereon, shall be desirous of having the Benefit of this Act, such Persons shall cause the Rules or Regulations framed or to be framed for the Management of such Institutions to be certified, deposited, and enrolled in manner herein-after

Persons forming Societies for Loans, desirous of having the Benefit of this Act, to cause their Rules to be enrolled in manner herein-after directed.

[No. 12. Price 2d.]

M

directed,

directed, and thereupon shall be deemed and be entitled to and shall have the Benefit of the Provisions contained in this Act.

Rules to be certified, deposited, and enrolled at Sessions.

4 & 5 W. 4. c. 10.

II. And be it further enacted, That all the Rules and Regulations of any Society to be entitled to the Benefit of this Act shall be certified, deposited, and enrolled in the same Manner as the Rules and Regulations of any Friendly Society are required to be certified, deposited, and enrolled pursuant to the Provisions of a certain Act passed in the Fourth and Fifth Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies*; and that all the Provisions of the said Act, as well as the Act made and passed in the Tenth Year of His late Majesty King *George* the Fourth, to consolidate and amend the Laws relating to Friendly Societies, as far as the same relate to the framing, certifying, enrolling, and altering Rules of Friendly Societies, shall be applicable to the framing, certifying, enrolling, and altering the Rules and Regulations of any Society to be established under the Provisions of this Act.

Rules and Regulations to be entered in a Book to be kept by the Officer of the Society.

III. And be it further enacted, That all Rules and Regulations from Time to Time made and in force for the Management of any such Society as aforesaid, and duly enrolled, shall be entered in a Book or Books to be kept by an Officer of such Institution to be appointed for that Purpose, and which Book or Books shall be open at all seasonable Times for the Inspection of Persons receiving Assistance from such Institution, and shall be binding on the several Members and Officers of such Society, and the several Persons receiving Assistance from the same, and their Representatives, as well as those Parties who may become the Sureties for the Repayment of any Loan, all of whom shall be deemed and taken to have full Notice thereof by such Entry and Deposit with the Clerk of the Peace or Town Clerk; and the Entry of such Rules and Regulations in such Book or Books as aforesaid, or the Transcript thereof, deposited with the Clerk of the Peace or Town Clerk, or a true Copy of such Transcript, examined with the Original and proved to be a true Copy, shall be received as Evidence of such Rules and Regulations respectively in all Cases; and no Certiorari shall be brought or allowed to remove any such Rules or Regulations into any of His Majesty's Courts of Record; and every Copy of any such Transcript deposited with any Clerk of the Peace or Town Clerk as aforesaid shall be made without Fee or Reward, except the actual Expence of making such Copy, and such Copy shall not be subject to any Stamp Duty.

Property of Society vested in Trustees thereof.

IV. And be it further enacted, That all Monies, Goods, Chattels, and Effects whatsoever shall be vested in the Trustee or Trustees of such Institution for the Time being, for the Use and Benefit of such Institution and the respective Members thereof, their respective Executors and Administrators, according to their respective Claims and Interest, and after the Death, Resignation, or Removal of any Trustee or Trustees shall vest in the succeeding Trustee or Trustees, for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Assignment or Conveyance whatever, and also shall, for all Purposes of Action or Suit, as well Criminal as Civil, in Law or in Equity, in

anywise touching or concerning the same, be deemed and taken to be and shall in every such Proceeding (where necessary) be stated to be the Property of the Person or Persons appointed to the Office of Trustee or Trustees of such Institution for the Time being, in his or their proper Name or Names, without further Description; and such Person or Persons shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution, Criminal as well as Civil, in Law or Equity, touching or concerning the Property, Right, or Claim aforesaid of such Institution, and to sue and be sued, plead and be impleaded, in his or their proper Name or Names, as Trustee or Trustees of such Institution, without other Description; and no Suit, Action, or Prosecution shall be discontinued or abate by the Death of such Person or Persons, or his or their Removal from the Office of Trustee or Trustees as aforesaid, but the same shall and may be proceeded in by the succeeding Trustee or Trustees in the proper Name or Names of such Person or Persons commencing the same, any Law, Usage, or Custom to the contrary notwithstanding; and such succeeding Trustee or Trustees shall pay or receive like Costs as if the Action or Suit had been commenced in his or their Name or Names, for the Benefit of or to be reimbursed from the Funds of such Institution.

V. And be it further enacted, That if any Treasurer or other Officer or Officers or other Person whatsoever who shall be intrusted with the Receipt or Custody of any Sum or Sums of Money the Property of such Institution, or any Interest or Dividend arising from Time to Time thereby, shall be required by the Rules or Regulations of such Institution to become bound with Sureties for the just and faithful Execution of such Office or Trust in such Sum or Sums of Money as shall be required by the Rules and Regulations of such Institution, such Security shall and may be given by Bond or Bonds to the Clerk of the Peace for the County, County of a City, County of a Town, or Place where such Institution shall be established for the Time being, without Fee or Reward; and in case of Forfeiture it shall be lawful for the Trustees of such Institution to sue upon such Bond or Bonds in the Name of the Clerk of the Peace for the Time being, and to carry on such Suit at the Costs and Charges of and for the Use of the said Institution, fully indemnifying and saving harmless such Clerk of the Peace from all Costs and Charges of such Suit or Suits, or in respect thereof; and no Bond or Security so to be given shall be subject to or chargeable to any Stamp Duty whatsoever.

VI. And be it further enacted, That it shall not be lawful to and for any such Society to make any Loan to any One Individual at any One Time exceeding in Amount the Sum of Fifteen Pounds: Provided nevertheless, that no second or other Loan shall be made to the same Individual until the previous Loan is repaid.

VII. And be it further enacted, That no Note or other Security or Undertaking which may be entered into for the Repayment of any Loan made under this Act in manner herein-before provided, nor any Receipt or Entry in any Book of Receipt for Money lent or paid, nor any Draft or Order, nor any Appointment of any Agent, nor any other Instrument or Document whatever required to be given, issued, made, or provided in pursuance of the Rules

Treasurer, &c.  
to give Security,  
if required by  
Rules of Insti-  
tution.

Amount of any  
Loan.

No Note or  
Security liable  
to Stamp Duty.

directed, and thereupon shall be deemed and be entitled to and shall have the Benefit of the Provisions contained in this Act.

Rules to be certified, deposited, and enrolled at Sessions.

4 & 5 W. 4. c. 40.

II. And be it further enacted, That all the Rules and Regulations of any Society to be entitled to the Benefit of this Act shall be certified, deposited, and enrolled in the same Manner as the Rules and Regulations of any Friendly Society are required to be certified, deposited, and enrolled pursuant to the Provisions of a certain Act passed in the Fourth and Fifth Years of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend an Act of the Tenth Year of His late Majesty King George the Fourth, to consolidate and amend the Laws relating to Friendly Societies*; and that all the Provisions of the said Act, as well as the Act made and passed in the Tenth Year of His late Majesty King *George* the Fourth, to consolidate and amend the Laws relating to Friendly Societies, as far as the same relate to the framing, certifying, enrolling, and altering Rules of Friendly Societies, shall be applicable to the framing, certifying, enrolling, and altering the Rules and Regulations of any Society to be established under the Provisions of this Act.

Rules and Regulations to be entered in a Book to be kept by the Officer of the Society.

III. And be it further enacted, That all Rules and Regulations from Time to Time made and in force for the Management of any such Society as aforesaid, and duly enrolled, shall be entered in a Book or Books to be kept by an Officer of such Institution to be appointed for that Purpose, and which Book or Books shall be open at all reasonable Times for the Inspection of Persons receiving Assistance from such Institution, and shall be binding on the several Members and Officers of such Society, and the several Persons receiving Assistance from the same, and their Representatives, as well as those Parties who may become the Sureties for the Repayment of any Loan, all of whom shall be deemed and taken to have full Notice thereof by such Entry and Deposit with the Clerk of the Peace or Town Clerk; and the Entry of such Rules and Regulations in such Book or Books as aforesaid, or the Transcript thereof, deposited with the Clerk of the Peace or Town Clerk, or a true Copy of such Transcript, examined with the Original and proved to be a true Copy, shall be received as Evidence of such Rules and Regulations respectively in all Cases; and no Certiorari shall be brought or allowed to remove any such Rules or Regulations into any of His Majesty's Courts of Record; and every Copy of any such Transcript deposited with any Clerk of the Peace or Town Clerk as aforesaid shall be made without Fee or Reward, except the actual Expence of making such Copy, and such Copy shall not be subject to any Stamp Duty.

Property of Society vested in Trustees thereof.

IV. And be it further enacted, That all Monies, Goods, Chattels, and Effects whatsoever shall be vested in the Trustee or Trustees of such Institution for the Time being, for the Use and Benefit of such Institution and the respective Members thereof, their respective Executors and Administrators, according to their respective Claims and Interest, and after the Death, Resignation, or Removal of any Trustee or Trustees shall vest in the succeeding Trustee or Trustees, for the same Estate and Interest as the former Trustee or Trustees had therein, and subject to the same Trusts, without any Assignment or Conveyance whatever, and also shall, for all Purposes of Action or Suit, as well Criminal as Civil, in Law or in Equity, in

anywise touching or concerning the same, be deemed and taken to be and shall in every such Proceeding (where necessary) be stated to be the Property of the Person or Persons appointed to the Office of Trustee or Trustees of such Institution for the Time being, in his or their proper Name or Names, without further Description; and such Person or Persons shall and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any Action, Suit, or Prosecution, Criminal as well as Civil, in Law or Equity, touching or concerning the Property, Right, or Claim aforesaid of such Institution, and to sue and be sued, plead and be impleaded, in his or their proper Name or Names, as Trustee or Trustees of such Institution, without other Description; and no Suit, Action, or Prosecution shall be discontinued or abate by the Death of such Person or Persons, or his or their Removal from the Office of Trustee or Trustees as aforesaid, but the same shall and may be proceeded in by the succeeding Trustee or Trustees in the proper Name or Names of such Person or Persons commencing the same, any Law, Usage, or Custom to the contrary notwithstanding; and such succeeding Trustee or Trustees shall pay or receive like Costs as if the Action or Suit had been commenced in his or their Name or Names, for the Benefit of or to be reimbursed from the Funds of such Institution.

V. And be it further enacted, That if any Treasurer or other Officer or Officers or other Person whatsoever who shall be intrusted with the Receipt or Custody of any Sum or Sums of Money the Property of such Institution, or any Interest or Dividend arising from Time to Time thereby, shall be required by the Rules or Regulations of such Institution to become bound with Sureties for the just and faithful Execution of such Office or Trust in such Sum or Sums of Money as shall be required by the Rules and Regulations of such Institution, such Security shall and may be given by Bond or Bonds to the Clerk of the Peace for the County, County of a City, County of a Town, or Place where such Institution shall be established for the Time being, without Fee or Reward; and in case of Forfeiture it shall be lawful for the Trustees of such Institution to sue upon such Bond or Bonds in the Name of the Clerk of the Peace for the Time being, and to carry on such Suit at the Costs and Charges of and for the Use of the said Institution, fully indemnifying and saving harmless such Clerk of the Peace from all Costs and Charges of such Suit or Suits, or in respect thereof; and no Bond or Security so to be given shall be subject to or chargeable to any Stamp Duty whatsoever.

Treasurer, &c.  
to give Security,  
if required by  
Rules of Insti-  
tution.

VI. And be it further enacted, That it shall not be lawful to and for any such Society to make any Loan to any One Individual at any One Time exceeding in Amount the Sum of Fifteen Pounds: Provided nevertheless, that no second or other Loan shall be made to the same Individual until the previous Loan is repaid.

Amount of any  
Loan.

VII. And be it further enacted, That no Note or other Security or Undertaking which may be entered into for the Repayment of any Loan made under this Act in manner herein-before provided, nor any Receipt or Entry in any Book of Receipt for Money lent or paid, nor any Draft or Order, nor any Appointment of any Agent, nor any other Instrument or Document whatever required to be given, issued, made, or provided in pursuance of the Rules

No Note or  
Security liable  
to Stamp Duty.



Seamen under Arrest for Trial not to be discharged until after Trial, &c.;

to perform their Duties, and to be amenable to Naval Discipline until discharged.

Discharged Seamen to receive Certificates, on which Protections are to be issued to them.

Punishment for forging Certificates, &c.

Service One Fourth in addition to the Pay of his Rating: Provided also, that if any Seaman shall be under lawful Arrest at the Period at which he shall be so entitled to his Discharge, then such Discharge shall not take place until such Arrest shall have ceased, or, in case he shall have been put under Arrest in order to be brought to Trial for any Offence, until he shall have been tried for such Offence, and have undergone the Punishment to which he may be adjudged for the same by Sentence of Court-martial: And provided further, that nothing in this Act contained shall be construed to exempt any Person so entitled to his Discharge from the Performance of the Duties of his Station until he shall have been actually discharged; and that every such Person, so long as he shall be in the Service, shall be amenable and subject to the Discipline of the Navy, and to the several Provisions of the Laws in being relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea.

II. And be it further enacted, That every such Seaman who may have served the said Term of Five Years, whilst any Proclamation of His Majesty calling for the Services of Seafaring Men shall have been in force, shall, upon being discharged from the Navy, be entitled to receive from the Captain or Commanding Officer of the Ship from which he shall be so discharged a Certificate of his Service therein, containing a Description of his Age, Person, and Place of Birth, upon the Production at the Admiralty Office of which and of similar Certificates as to his Service in any other of His Majesty's Ships in which he may have served during such Period of Five Years, (all which Certificates the Captains of such Ships are hereby required to give him on his Discharge from the same respectively,) and upon a Comparison of the Dates and Particulars to be expressed in such Certificates with the Muster Books of the several Ships in which he shall have served, provided the Particulars shall be found correct and the Certificates be found genuine, a Protection from Service in the Navy for the Space of Two Years shall be issued to every such Seaman *gratis*, under the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral and the Seal of the Office of Admiralty, in such Form as the said Commissioners shall think fit: Provided always, that if any such Seaman shall be discharged, except upon his own Application, before the Term of his Service shall amount to Five Years as aforesaid, a Protection shall be granted to him for the Space of One Year only.

III. And in order to prevent as far as may be Frauds and Impositions with respect to Protections, be it further enacted, That if any Person shall forge or counterfeit any Certificate of Service in His Majesty's Navy, or any Instrument purporting to be a Protection from such Service, or shall fraudulently utter or publish any forged Certificate of such Service, or any forged Instrument purporting to be a Protection from such Service, knowing the same to be forged, or shall fraudulently alter any Certificate or Protection which shall have been duly granted or issued; or if any Person shall forge or fraudulently alter any Extract from a Baptismal Register, or shall knowingly utter any false or fraudulently altered Extract from a Baptismal Register, or any false Affidavit, Certificate, or other Document, in order to obtain from the Admiralty Office a Protection

Protection from His Majesty's Naval Service for himself or any other Person; or if any Person, being in the Possession of a Protection, shall lend, sell, or dispose thereof to any other Person, in order fraudulently to enable such other Person to make an unlawful Use of the same; or if any Person shall produce, utter, or make use of as a Protection for himself any Protection which shall have been made out or issued for any other Individual; every Person in any such Manner offending shall be deemed guilty of a Misdemeanor, and such Protection shall thenceforward be null and void.

IV. And for the Encouragement of Seamen and others to enter into His Majesty's Naval Service, be it further enacted, That every Seaman, Seafaring Man, or other Person who within Six Days after any Proclamation of His Majesty calling for the Services of Seafaring Men shall have been published in any Port of the United Kingdom or of any of His Majesty's Dominions, shall at such Port enter himself in His Majesty's Naval Service with any Officer authorized to receive Volunteers for the Royal Navy, shall, in addition to the Advantages given to Volunteers by an Act of the Eleventh Year of His late Majesty King *George* the Fourth, to amend and consolidate the Laws relating to the Pay of the Royal Navy, be entitled to receive Double the Amount (according to his Rating) of the Bounty offered by any such Proclamation; and that in the Cases of Seamen serving in Merchant Vessels which shall be at Sea at the Time when any such Proclamation shall be issued, every such Person who shall enter himself with an Officer of the Navy within Six Days after the first Arrival of any such Ship at any such Port as aforesaid, or within Half an Hour after any Officer of His Majesty's Navy shall have visited any such Ship before her Arrival at any such Port, shall also be entitled to receive the like Double Bounty.

Bounties to  
Volunteers.

11 G. 4. c. 20.

V. And be it further enacted, That the Seamen who shall at the Time of the issuing of any such Proclamation as aforesaid be serving in the Fleet shall not be entitled to be discharged, but shall continue to serve therein for a Period of Five Years, in case their Services shall be so long required; and in consideration of their being so required to continue in the Service for such further Period they shall be entitled to receive and shall be paid the same Amount of Bounty as shall by any Order in Council or Proclamation of His Majesty then in force be offered to Seamen of their respective Classes, and shall also be entitled to their Discharge at the Expiration of that Period, in the same Manner and under Regulations similar to those established by this Act with respect to volunteer Seamen.

Seamen in the  
Service at the  
Time of the  
issuing a Pro-  
clamation call-  
ing for the  
Services of Sea-  
faring Men to  
continue, and be  
paid the usual  
Bounty.

VI. And as an Encouragement to Seamen to continue in the Naval Service, be it further enacted, That every Seaman belonging to the Fleet whose Period of Five Years Service shall expire during the Time when any such Proclamation as aforesaid shall be in force, and who previous to the Expiration of such Service shall signify to his Commanding Officer his Desire to continue therein for a further Period of Five Years, and shall be allowed to re-enter accordingly, shall upon such Re-entry be entitled to be paid the single Bounty offered by His Majesty's Proclamation to Volunteers of his Class and Rating; and every such Volunteer shall at the Expiration of such Second Period of Five Years be entitled to his Dis-

Seamen, after  
Five Years  
Service, agree-  
ing to continue,  
to be entitled  
to a fresh  
Bounty.

charge, under and subject to the like Regulations as are hereinbefore provided with respect to Persons entitled to their Discharge after Five Years Service.

Pensioners volunteering to receive their Pensions in addition to their Pay.

VII. And be it further enacted, That whenever any Seaman in the Receipt of a Pension for Wounds or prior Services, and being able-bodied, and fit for the Naval Service, shall, when any such Proclamation as aforesaid shall be in force, voluntarily enlist, and shall be received to serve in the Navy, he shall, in addition to the Pay and other Advantages to which he may be entitled, be allowed to receive such Pension during the Time he shall continue in such further Service and in the faithful Discharge of his Duty.

Provisions in favour of Volunteers extended to Colonial Seamen, who on their Discharge shall be sent to their Homes.

VIII. And be it further enacted, That all the Provisions contained in this Act in favour of Volunteers shall be extended to the Seamen belonging to the *British* Colonies who shall freely enter themselves to serve in the Navy; and that all such Colonial Seamen, after being discharged at the Expiration of Five Years Service, in case they shall be desirous to return to their native Colony, shall either be conveyed thither free of Expence, or be allowed a Gratuity in Money sufficient to cover the Cost of their Return thereto, as the Commissioners for executing the Office of Lord High Admiral shall think fit.

Act not to diminish the Authority of the Admiralty in the Discharge of Seamen.

IX. Provided always, and be it enacted, That nothing in this Act contained shall extend to control or diminish the Authority vested in the Lord High Admiral and the Commissioners for executing the Office of Lord High Admiral to discharge, as he or they shall think fit, or to authorize the Discharge of any Seaman from His Majesty's Naval Service; and that if any Seaman shall be desirous of being discharged from the Naval Service before the Expiration of the Period of Five Years for which he shall be engaged or shall be bound to serve, and shall provide One able Seaman or Two able-bodied Landmen to serve in his Stead, for a Period of Five Years (if their Services shall be so long required), every such Seaman shall, upon the Approval of such Substitutes by the proper Officer of the Admiralty, and upon their being actually received into the Service on board any one of His Majesty's Ships of War, be forthwith discharged from the Navy, and shall be entitled to the same Protection as if he had completed a Period of Five Years Service.

Seamen may obtain their Discharge on providing Substitutes.

X. And be it further enacted, That this Act may be altered, amended, or repealed by any other Act or Acts to be passed during this present Session of Parliament.

Act may be amended this Session.

## CAP. XXV.

An Act to extend the Accommodation by the Post to and from Foreign Parts, and for other Purposes relating to the Post Office. [21st August 1835.]

WHEREAS by virtue of divers Acts of Parliament His Majesty's Postmaster General is authorized, to and for the Use of His Majesty, His Heirs and Successors, to demand, have, receive, and take certain Rates of Postage for the Conveyance of Letters and Packets by the Post between the United Kingdom and Foreign Parts: And whereas, in addition to the said Rates, such Letters and Packets are subject to Rates of Postage for their Conveyance within Foreign Kingdoms and States: And whereas

it

repealed by  
31st Dec 1835

‘ it is expedient, for the Purpose of facilitating the Intercourse  
 ‘ with Foreign Countries, that the Postage, as well *British* as  
 ‘ Foreign, on such Letters and Packets, should be payable in  
 ‘ whole or in part either by the Sender or Receiver:’ Be it there-  
 fore enacted by the King’s most Excellent Majesty, by and with the  
 Advice and Consent of the Lords Spiritual and Temporal, and  
 Commons, in this present Parliament assembled, and by the Au-  
 thority of the same, That it shall be lawful for His Majesty’s Post-  
 master General for the Time being, and his Deputies, and he and  
 they are hereby authorized and empowered, to receive and take,  
 upon any Letters or Packets addressed to any Foreign Kingdom or  
 State, from the Person sending the same, the Postage both *British*  
 and Foreign in one entire Sum, for the Conveyance of such Letters  
 and Packets by the Post to the Places to which the same shall be  
 respectively addressed, and also to demand, receive, and take, upon  
 Letters and Packets coming from Foreign Parts addressed to any  
 Place within His Majesty’s Dominions, in addition to the *British*  
 Rates of Postage to which the same may be liable, the Rates of  
 Foreign Postage which may be due or payable in respect thereof,  
 and to account for or pay over to any Foreign Kingdom or State,  
 Kingdoms or States, entitled to receive the same, the Amount of  
 such Foreign Postage.

Postage on  
Letters to and  
from Foreign  
Parts to be  
taken in one  
entire Sum.

II. And be it further enacted, That from and after the Post-  
 master General for the Time being shall have made and entered  
 into any Treaty or Agreement with the Post Office of any Foreign  
 Kingdom or State for collecting and accounting for the *British*  
 Postage on Letters and Packets sent by the Post from the United  
 Kingdom to any such Foreign Kingdom or State, or to any other  
 Foreign Kingdom or State, and so long as any such Treaty or  
 Agreement shall continue in force, it shall be optional with every  
 Person sending any Letter or Packet by the Post from the United  
 Kingdom to any Foreign Kingdom or State which shall be included  
 in any such Treaty or Agreement, or to which the same shall extend,  
 to pay the *British* and Foreign Postage thereof in one entire Sum  
 as aforesaid, or to send the same without Payment of any Part of  
 such entire Sum, to the Intent that the whole thereof may be paid  
 by the Person or Persons to whom the same shall be addressed, or  
 otherwise to pay the *British* Postage only (as heretofore) on any  
 such Letter or Packet.

Optional Pay-  
ment of Postage  
on Letters to  
Foreign Parts.

III. And be it further enacted, That the Rates of Foreign  
 Postage marked on any Letters or Packets brought into *Great*  
*Britain* or *Ireland* shall, in all Courts of Justice and other Places,  
 be deemed, received, and taken as conclusive Evidence of the  
 Amount of Foreign Postage payable in respect of any such Letter  
 or Packet, in addition to the Rates of *British* Postage payable for  
 the Conveyance of the same; and such Foreign Postage shall be  
 recoverable in *Great Britain* and *Ireland*, and other His Majesty’s  
 Dominions, as Postage due and payable to His Majesty, His Heirs  
 and Successors.

Rates of Postage  
marked on  
Foreign Letters  
to be deemed  
the Amount of  
Postage payable.

IV. Provided always, and be it further enacted, That nothing  
 herein or in any other Act or Acts contained shall be construed to  
 entitle any Person or Persons to send or receive by the Post, free  
 from the Duties of Postage, any Letters or Packets which are or  
 may be liable to any Foreign Rates of Postage (the Public Dis-  
 patches

No Letters  
liable to any  
Foreign Rates  
of Postage to  
be received free.

patches to and from His Majesty's Secretaries of State, and the *British* Embassies and Legations at Foreign Courts, being *bonâ fide* on the Public Service, only excepted).

Registering  
certain Letters.

V. 'And whereas it may be considered expedient that certain Letters and Packets sent by the Post should be registered;' be it therefore further enacted, That in case the Postmaster General for the Time being shall at any Time hereafter in his Discretion deem it expedient that any Letters or Packets sent or to be sent by the Post should be registered by the Post Office, it shall be lawful for him, and his Deputy and Deputies by him thereunto authorized, to demand, have, receive, and take, to and for the Use of His Majesty, His Heirs and Successors, for and in respect of each and every Letter or Packet which shall be so registered, such Rate or Rates of Postage, in addition to any Rates payable under or by virtue of this Act or any other Act or Acts of Parliament relating to the Post Office, as the Postmaster General for the Time being, with the Consent of the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, signified by Writing under their Hands, or under the Hand of any one of the Secretaries or Assistant Secretaries to the Treasury for the Time being, shall from Time to Time direct or appoint, (but such Registration shall not render the Postmaster General or the Post Office Revenue in any Manner liable for the Loss of any such Letters or Packets, or the Contents thereof,) all which Letters and Packets shall be delivered to the Postmaster General and his Deputy and Deputies, and also be delivered by them at or between such Hours in the Day, and under all such Regulations in every respect as the Postmaster General for the Time being shall in his Discretion from Time to Time appoint with full Power for him to require such Registration Rate or Rates to be paid on any such Letter or Packet being put into the Post Office.

Packet Postage.

VI. 'And whereas Letters and Packets sent by the Post between *Dovor* and *Calais* are now chargeable with the same Rates of Postages as Letters sent between *London* and *Calais*; and it is expedient to reduce the same;' be it therefore further enacted, That from and after the passing of this Act it shall be lawful for His Majesty's Postmaster General, and his Deputy and Deputies by him thereunto authorized, to and for the Use of His Majesty, His Heirs and Successors, to demand, have, receive, and take, for the Port and Conveyance of all Letters and Packets which shall be carried or conveyed by Packet Boats from or to the Port of *Dovor*, or any other Port in *Great Britain*, to or from the Port of *Calais*, or any other Port in *France*, and not sent to or from *London* (over and above any Inland Rates payable on such Letters and Packets), a Packet Postage according to the Rates and Sums hereinafter mentioned; (that is to say,) for the Port and Conveyance of every Single Letter, a Rate of Sixpence; for every Double Letter, One Shilling; for every Treble Letter, One Shilling and Sixpence; and for every Ounce Weight, Two Shillings, and so in proportion for any greater Weight, reckoning every Quarter of an Ounce equal to a Single Letter: Provided always, that nothing herein contained shall extend or be deemed or construed to extend to alter or repeal an Act passed in the Fourth and Fifth Years of the Reign of King *William* the Fourth, intituled *An Act to regulate the Conveyance*

*veyance of printed Newspapers by Post between the United Kingdom, the British Colonies, and Foreign Parts.*

VII. And be it further enacted, That it shall be lawful for the Postmaster General for the Time being, at any Time hereafter, to lower or reduce all or any of the *British Rates* of Postage which are or shall be payable on Letters and Packets sent by the Post to and from Foreign Parts, to such respective Amounts or Extent as the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, signified by Writing under their Hands, or under the Hand of any one of the Secretaries or Assistant Secretaries to the Treasury for the Time being, shall from Time to Time direct or appoint, and thenceforth it shall be lawful for the Postmaster General and his Deputies to demand, receive, and take such reduced Rates accordingly.

Postmaster General empowered to reduce Postage on Letters to and from Foreign Parts.

VIII. ' And whereas by an Act passed in the Thirty-ninth Year of the Reign of King *George the Third*, intituled *An Act for the more secure Conveyance of Ship Letters, and for granting to His Majesty certain Rates of Postage thereon*, the Postmaster General is authorized to collect and receive Letters and Packets of Letters, directed to Places within His Majesty's Dominions, also to any the Kingdoms and Countries beyond the Seas, and to forward the same by any Ships or Vessels that he in his Discretion shall think fit, although not Packet Boats, and to demand and receive, to and for the Use of His Majesty, His Heirs and Successors, for every Letter and Packet which shall be delivered to him and his Deputies for Conveyance in the Manner therein-before specified, a Sum not less than One Half Part of the Rates and Duties payable by Law for such respective Letters and Packets if the same were conveyed by Packet Boats, and in Cases where no Rate of Postage is already established, then to demand and receive for such Letters and Packets Rates, as near as the same can be ascertained, equal to One Half of what is paid for Letters sent beyond the Seas: And whereas it is expedient that the Rates of Postage imposed by the said Act should be reduced; be it therefore enacted, That the Rates of Postage granted by the said last-recited Act for the Conveyance of Letters and Packets through the Post, by Ships or Vessels not being Packet Boats, shall be and the same are hereby repealed, and that in lieu thereof it shall and may be lawful to and for His Majesty's Postmaster General for the Time being, and his Deputy and Deputies by him thereunto authorized, in his and their Discretion, to collect and receive Letters and Packets of Letters, directed to Places within His Majesty's Dominions, also to any the Kingdoms and Countries beyond the Seas, and to forward the same by any Ships or Vessels that he in his Discretion shall think fit, although not Packet Boats or Ships or Vessels by which the Postmaster General shall have contracted for the Conveyance of Mails of Letters pursuant to an Act passed in the Second Year of the Reign of King *William the Fourth*, intituled *An Act to enable His Majesty's Postmaster General to extend the Accommodation by Post, and to regulate the Privilege of franking in Ireland; and for other Purposes relating to the Post Office*; and that it shall be lawful for His said Majesty's Postmaster General, and his Deputy and Deputies by him thereunto authorized, to and for the Use of His Majesty, His Heirs and Successors, to demand,

Reduction of Postage on Ship Letters. 39 G. 3. c. 76.

2 W. 4. c. 15.

demand, have, receive, and take, for every Letter and Packet which shall be delivered to him or his Deputies for Conveyance in manner lastly herein-before mentioned, (except Letters and Packets sent by private Ships from *Great Britain* to *Ireland* or from *Ireland* to *Great Britain*, or between any Ports or Places in *Great Britain* or *Ireland*,) the Rates of Postage herein-after mentioned; (that is to say,) if such Letter or Packet be posted at the Port from which such Ship or Vessel shall sail, or at which such Ship or Vessel may touch, a Rate of Eight-pence for every Single Letter, and so in proportion for Packets; and if such Letter or Packet shall be posted at any other Part of the United Kingdom than the Port from which such Ship or Vessel shall sail, or at which such Ship or Vessel may touch, a Rate of One Shilling for every Single Letter, and so in proportion for Packets; and for every Letter or Packet which shall be delivered to the Postmaster General or his Deputies for Conveyance in manner lastly herein-before mentioned, from *Great Britain* to *Ireland*, and from *Ireland* to *Great Britain*, or from any Port or Place in *Great Britain* or *Ireland* to any other Port or Place within the same, or either of them, a Rate of Eight-pence on every Single Letter, and so in proportion as aforesaid for Packets, over and above and in addition to any Rates which may arise on the Inland Conveyance of such last-mentioned Letters or Packets within *Great Britain* and *Ireland*: Provided always, that nothing herein contained shall extend, or be deemed or construed to extend, to alter or repeal any of the Rates which the Postmaster General and his Deputy and Deputies are authorized to demand, have, receive, and take for Letters and Packets delivered to him or them for Conveyance to *Ceylon*, the *Mauritius*, the *East Indies*, or the *Cape of Good Hope*, by an Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, intituled *An Act to repeal so much of an Act passed in the Fifty-fifth Year of the Reign of His present Majesty as relates to the Postage and Conveyance of Letters to and from the Cape of Good Hope, Ceylon, the Mauritius, and the East Indies; and to make other Regulations respecting the Postage of such Letters and Packets, and other Letters and Packets sent by the Post*; but the Provisions of this Clause shall nevertheless be deemed and construed to extend to and include Letters and Packets directed to *China*.

59 G. S. c. 111.

Allowance to  
Masters of  
Vessels convey-  
ing Letters.

IX. And for the Encouragement of the Masters of such Ships or Vessels, be it further enacted, That it shall be lawful to and for the said Postmaster General to allow all such Masters the Sum of Two-pence a Letter or Packet upon all such Letters or Packets as they shall respectively have or take on board such Ship or Vessel, provided such Letters and Packets shall have been delivered to them from the Post Office.

Letters may be  
sent by other  
Vessels than  
Packets.

X. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person or Persons, at his or their Discretion, from sending any Letters or Packets by any Ship or Vessel (not being a Packet Boat or Ship or Vessel by which the Postmaster General shall have contracted for the Conveyance of Mails of Letters pursuant to the said Act passed in the Second Year of the Reign of King *William* the Fourth), from any Port to any Place out of *Great Britain* or *Ireland*, otherwise than through the Post Office: Provided always,  
that

that nothing herein contained shall extend in anywise to authorize or empower any Person or Persons to make any Collection of Letters contrary to the Laws now in force relating to the Post Office.

XI. And whereas it is expedient that the Rates on Letters brought into that Part of the United Kingdom called *Ireland* by Ships other than Packet Boats should be assimilated to the Rates on Ship Letters brought into *Great Britain*; be it therefore further enacted, That from and after the passing of this Act it shall and may be lawful to and for the Postmaster General and his Deputies to demand, have, receive, and take for every Letter which shall be brought into *Ireland* by Ships and Vessels other than Packet Boats from Places within His Majesty's Dominions, and any the Kingdoms and Countries beyond the Seas, other than and except from the *Cape of Good Hope*, the *Mauritius*, *Ceylon*, and the *East Indies*, (in lieu of the Rates of Sea Postage now payable thereon,) the same Rates of Sea Postage (over and above any Inland Rates) as under or by virtue of an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for granting certain Rates on the Postage of Letters to and from Great Britain, the Cape of Good Hope, the Mauritius, and the East Indies; and for making certain Regulations respecting the Postage of Ship Letters, and of Letters in Great Britain*, would be payable on such Letters and Packets if brought by such Ships or Vessels into *Great Britain*.

Assimilating Rate of Postage on Ship Letters in *Ireland* to the Rates on Ship Letters in *Great Britain*.

55 G. 3. c. 155.

XII. And be it further enacted, That from and after the passing of this Act every Letter or Packet which shall be brought into *Great Britain* or *Ireland* by Ships or Vessels other than Packet Boats, from any Port or Place in *China*, shall be liable to and chargeable with the same Rates of Sea Postage (over and above any Inland Rates) as would be payable under or by virtue of the said Act passed in the Fifty-fifth Year of the Reign of King *George* the Third if such Letters or Packets were brought into *Great Britain* by Ships or Vessels other than Packet Boats from any other Foreign Kingdom; and so much of the said last-mentioned Act as enacts that nothing therein contained shall extend to any Letters or Packets from *China* shall be and the same is hereby repealed.

Letters from *China* liable to same Rates of Sea Postage as other Letters.

XIII. And be it further enacted, That it shall be lawful for His Majesty's Postmaster General and his Deputies to demand, have, receive, and take for every Letter or Packet which shall be brought into *Ireland* by any Ship or Vessel arriving from the *Cape of Good Hope*, the *Mauritius*, *Ceylon*, or the *East Indies*, the like Rates of Sea Postage (over and above any Inland Rates) as under or by virtue of the said Act passed in the Fifty-ninth Year of the Reign of King *George* the Third would be payable on such Letters and Packets if brought by such Ships or Vessels into *Great Britain*, and to make to the Commander or Master of every such Ship or Vessel the like Allowances in respect of such Letters and Packets as would by Law be allowable in case such Letters and Packets had been brought into *Great Britain*.

Sea Postage on Letters from certain Places to *Ireland*.

XIV. And be it further enacted, That it shall be lawful for His Majesty's Postmaster General, and his Deputy and Deputies by him thereunto authorized, to collect and receive in *Ireland* Letters and Packets directed to the *Cape of Good Hope*, the *Mauritius*, *Ceylon*, or the *East Indies*, and to forward the same by any Ships or Vessels

Sea Postage from *Ireland* to the *East Indies*, &c.



Vessels that he or they in his or their Discretion shall think fit; and to demand, have, receive, and take for every such last-mentioned Letter or Packet the like Rates of Sea Postage (over and above any Inland Rates) as under or by virtue of the said Act passed in the Fifty-ninth Year of the Reign of King *George the Third* would be payable on such Letters and Packets if the same were sent from *Great Britain*; and the Masters and Commanders of all Ships and Vessels sailing from *Ireland* bound to the *Cape of Good Hope*, the *Mauritius*, *Ceylon*, or the *East Indies* are hereby required to receive on board their respective Ships any Bag or Bags of Letters and Packets which shall be tendered to them for Conveyance as aforesaid by the Postmaster General or any Officer of the Post Office, without receiving or being entitled to receive any Remuneration for such Conveyance.

Repeal of  
Postage on  
Newspapers by  
private Ships  
from the Colo-  
nies.  
7 & 8 G. 4. c. 21.

XV. ' And whereas by an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George the Fourth*, ' intituled *An Act to amend the Laws relating to the Duties of Postage in Great Britain and Ireland*, the Postmaster General ' is authorized to demand and receive for the Use of His Majesty, ' His Heirs and Successors, for every Newspaper printed within ' His Majesty's Colonies and Possessions beyond the Seas, and ' brought into *Great Britain and Ireland* by any Ship other than ' a Packet, and delivered at any Post Office, the Sum of Three- ' pence: And whereas Newspapers printed within the United ' Kingdom, and sent from thence by Ships and Vessels (other ' than Packet Boats) to His Majesty's Colonies and Possessions ' beyond the Seas (other than and except the *East Indies*), are now ' liable to the same Rates and Duties of Postage as Letters: ' And whereas it is expedient that the Rates of Postage on all ' such Newspapers should be reduced; be it therefore further enacted, That from and after the passing of this Act so much of the said Act passed in the Seventh and Eighth Years of the Reign of King *George the Fourth* as subjects Newspapers printed within His Majesty's Colonies and Possessions beyond the Seas, and brought into *Great Britain and Ireland* by Ships other than Packets, to a Rate of Three-pence each, shall be and the same is hereby repealed.

Sea Postage on  
Newspapers  
by private  
Ships from the  
Colonies.

XVI. And be it further enacted, That from and after the passing of this Act it shall be lawful for His Majesty's Postmaster General and his Deputy and Deputies, for the Use of His Majesty, His Heirs and Successors, to demand and receive for the Conveyance of every Newspaper printed within His Majesty's Colonies and Possessions beyond Seas, and brought into the United Kingdom by any Ship or Vessel other than a Packet Boat, and delivered by the Commander of any such Ship or Vessel at any Post Office, the Sum of One Penny on Delivery thereof within the United Kingdom to the Person or Persons to whom the same shall be addressed.

Postage on  
Newspapers  
sent by private  
Ships to the  
Colonies.

XVII. And be it further enacted, That it shall be lawful for His Majesty's Postmaster General for the Time being, and his Deputy and Deputies in *Great Britain and Ireland*, to receive at any Post Office printed Newspapers liable to the Stamp Duty, and duly stamped, directed to Places within any of His Majesty's Colonies and Possessions beyond the Seas, and to forward the same by any Ships or Vessels that he in his Discretion may think fit (not being

being Packet Boats), and to demand, have, receive, and take for every Newspaper which shall be delivered to him or his Deputies for Conveyance in manner last aforesaid the Sum of One Penny.

XVIII. ' And whereas Foreign Newspapers brought into the United Kingdom by Ships or Vessels other than Packet Boats, and Newspapers printed within the United Kingdom, and sent from thence by Ships and Vessels other than Packet Boats to Foreign Parts, are now liable, on Conveyance by the Post, to the same Rates and Duties of Postage as Letters; and it is expedient that the Rates on all such Newspapers should be reduced; ' be it therefore further enacted, That from and after the passing of this Act it shall be lawful for His Majesty's Postmaster General, and his Deputy and Deputies in *Great Britain* and *Ireland*, to receive at any Post Office printed Newspapers liable to the Stamp Duty and duly stamped, directed to any Kingdom or Country beyond the Seas (other than His Majesty's Colonies and Possessions), and to forward the same to any Foreign Port by any Ships or Vessels that he in his Discretion may think fit (not being Packet Boats), and to demand, have, receive, and take, for the Use of His Majesty, His Heirs and Successors, for every Newspaper which shall be delivered to him or his Deputies for Conveyance in manner last aforesaid the Sum of One Penny; and for every Newspaper printed in any Kingdom or State beyond the Seas (other than His Majesty's Colonies and Possessions), and brought into the United Kingdom by any Ship or Vessel (other than a Packet Boat), and delivered by the Commander of any such Ship or Vessel at any Post Office, (if printed in the Language of the Foreign Kingdom or State from which the same shall be forwarded, but not otherwise,) it shall be lawful for His Majesty's Postmaster General and his Deputy and Deputies, for the Use of His Majesty, His Heirs and Successors, to demand and receive the Sum of One Penny on Delivery thereof within the United Kingdom to the Person or Persons to whom the same shall be addressed: Provided always, that before any Newspapers to or from any Foreign Kingdom or State shall be permitted to be conveyed or delivered under the Provisions of this Clause satisfactory Proof shall have been laid before the Postmaster General for the Time being, that printed Newspapers sent from *Great Britain* and *Ireland*, addressed to any Person or Place in any such Foreign Kingdom or State, are allowed to pass by the Post within any such Foreign Kingdom or State free of Postage, and also that Newspapers addressed to any Person or Place in *Great Britain* or *Ireland* from any such Foreign Kingdom or State are allowed to pass by the Post within such Foreign Kingdom or State free of Postage; and it is hereby declared, that as to every Newspaper put into any Post Office within *Great Britain* or *Ireland*, for Conveyance by Ships or Vessels other than Packet Boats, addressed to any Person or Place in any Foreign Kingdom or State in which printed Newspapers from *Great Britain* or *Ireland* shall not be allowed to pass by the Post free of Postage, it shall be lawful for His Majesty's Postmaster General for the Time being (until such satisfactory Proof shall be laid before him as aforesaid), and his Deputy and Deputies, for the Use of His Majesty, His Heirs and Successors, to demand, have, receive, and take, for the Conveyance of every such printed Newspaper to any Foreign Port, the Sum of

Reduction of Postage on Newspapers by private Ships to and from Foreign Ports.

Proviso.

Two-

Two-pence; and as to every Newspaper addressed to *Great Britain* or *Ireland*, and brought into the United Kingdom by any Ship or Vessel other than a Packet Boat from any Foreign Kingdom or State in which such printed Newspapers shall not be allowed to pass by the Post free of Postage, it is hereby declared, that it shall be lawful for His Majesty's Postmaster General for the Time being (until such satisfactory Proof shall be laid before him as aforesaid), and his Deputy and Deputies, to and for the Use of His Majesty, His Heirs and Successors, to demand, have, receive, and take, for the Conveyance of every such Newspaper by the Post, the Sum of Two-pence on Delivery thereof to the Person to whom the same shall be addressed, over and above and in addition to any Postage charged thereon by any Foreign Post Office, provided every such Paper be printed and published in the Language of the Kingdom or State from which the same shall be forwarded.

Postage on Newspapers to and from Foreign Parts may be again increased.

XIX. ' And whereas Circumstances may arise which may render ' it expedient again to impose and demand the said respective ' Rates of Two-pence by the said last-mentioned Clause granted, ' after the same shall have ceased to be demanded by reason of ' such satisfactory Proof having been laid before the Postmaster ' General for the Time being as aforesaid;' now be it further enacted, That it shall be lawful for His Majesty's Postmaster General for the Time being, by and with the Consent of the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, at any Time after such satisfactory Proof shall have been laid before His Majesty's Postmaster General for the Time being as aforesaid, again to impose, demand, and receive the said respective Rates of Two-pence for the Conveyance of any such printed Newspaper to any Foreign Port, and on the Delivery of any such printed Newspaper from any Foreign Kingdom or State, whenever it shall be deemed expedient so to do.

Allowance to Masters and Commanders for Newspapers delivered to or by them from or to the Post Office.

XX. And be it further enacted, That it shall be lawful for the Postmaster General to allow and pay the Masters and Commanders of Ships and Vessels the Sum of One Penny on every printed Newspaper which shall be brought into the United Kingdom under the Provisions of this Act, and be delivered by them at the Post Office of the Post Town at which they shall touch or arrive, and the like Sum of One Penny on every printed Newspaper which shall be delivered by the Postmaster General or his Deputies to any such Masters or Commanders for Conveyance under the Provisions of this present Act.

Not to alter Rates under Act 59 G. 3. c. 111.

XXI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be deemed or construed to extend, to alter or repeal any of the Rates which the Postmaster General and his Deputy and Deputies are authorized to demand, have, receive, and take by the said Act passed in the Fifty-ninth Year of the Reign of King *George* the Third, for printed Newspapers delivered to him or them for Conveyance to the *Cape of Good Hope*, *Ceylon*, the *Mauritius*, or the *East Indies*, which Act it is hereby declared shall be deemed and construed to extend to Newspapers posted in *Ireland* for Conveyance to any of the said last-mentioned Places; but the Provisions of this Act shall nevertheless be deemed to extend to and include Newspapers brought into the United Kingdom from the *Cape of Good Hope*, *Ceylon*, the *Mauritius*,

*Mauritius*, the *East Indies*, and *China*, and also Newspapers delivered to the Postmaster General or his Deputies directed to *China*.

XXII. And be it further enacted, That no Newspaper shall be sent by the Post under the Provisions of this present Act unless every such Paper be sent without a Cover, or in a Cover open at the Sides, and that there be no Words or Communication printed on such Paper after the same shall have been published, nor any Writing or Marks upon such printed Paper or the Cover thereof, other than the Name and Address of the Person to whom it is sent, and so that there be no Paper or Thing enclosed or concealed in or with such printed Paper or the Cover thereof, nor any printed Words or Communication on the Cover thereof.

Newspapers to be sent without a Cover, or in a Cover open at the Sides.

XXIII. And be it further enacted, That every printed Newspaper to be sent out of the United Kingdom under the Provisions of this Act shall in all Cases be put into a Post Office or Receiving Office in *Great Britain* or *Ireland* within Seven Days next after the Day on which the same shall be published, the Day of Publication to be ascertained by the Date of such Paper; and in case any such Paper shall be put into any Post Office at any Time after the Expiration of such Seven Days, it shall and may be lawful for His Majesty's Postmaster General or his Deputy or Deputies, at his or their Discretion, either to detain any such Paper, or to forward the same by the Post charged with the full Duty of Letter Postage according to the Rates now established by Law.

Newspapers sent out of the Kingdom to be put into the Post within Seven Days from the Time when published.

XXIV. And be it further enacted, That it shall be lawful for His Majesty's Postmaster General, and his Deputy and Deputies, or any of the Officers employed under him or them respectively, to examine and search any printed Newspaper which under the Provisions of this Act shall be sent by the Post without a Cover, or in a Cover open at the Sides as aforesaid, in order to discover whether any Words or Communication have or has been printed on such Paper after the same was published, or whether there is any Writing or Mark upon such printed Paper or the Cover thereof, other than the Name and Address of the Person to whom it is sent, or whether there is any Paper or Thing enclosed or concealed in or with such printed Newspaper or the Cover thereof, or whether there are any printed Words or Communication on the Cover thereof, or whether the Papers brought into the United Kingdom from any Foreign Kingdom or State shall be printed and published in the Language of the Kingdom or State from which they shall have been forwarded, and also in order to discover whether Newspapers printed and posted in the United Kingdom are duly stamped; and in case any Words or Communication shall be found to have been printed on any such Paper after the same was published, or any Writing or Mark shall be found on any such printed Paper or the Cover thereof, other than the Name and Address of the Person to whom it is sent, or any other Paper or Thing shall be found to be enclosed or concealed in or with such printed Paper or the Cover thereof as aforesaid, or any printed Words or Communication shall be found upon the Cover thereof, or in case any Newspaper brought into the United Kingdom from any Foreign Kingdom or State shall not be printed and published in the Language of the Kingdom or State from which the same shall have been forwarded, the whole

Postmaster General may examine Newspapers sent by the Post to discover whether any Writings or Marks are upon them, or any Papers enclosed with them.

of every such Packet addressed and delivered to any Person within the United Kingdom shall be charged with Treble the Duty of Letter Postage, according to the Rates now established by Law; and as to every such Paper or Packet going out of the United Kingdom, it shall be lawful for the Postmaster General or his Deputy or Deputies, at his or their Discretion, either to detain any such Paper or Packet, or to forward the same by the Post charged with the Duty of Letter Postage; and in case any Newspaper printed and posted in the United Kingdom, and sent by the Post under the Provisions of this Act, shall appear not to have been duly stamped, the same shall be stopped, and sent to the Commissioners of Stamps either at *London* or *Dublin*, as the Case may be.

Delivery of Papers to be conveyed by the Post.

XXV. And be it further enacted, That all printed Papers to be conveyed by the Post under the Provisions of this Act shall be delivered to the Postmaster General, or his Deputy or Deputies, at such Hours in the Day and under all such Regulations as the Postmaster General for the Time being shall in his Discretion from Time to Time appoint.

Repeal of Part of 9 Ann. c. 10.

XXVI. And be it further enacted, That so much of an Act passed in the Ninth Year of the Reign of Queen *Anne*, intituled *An Act for establishing a General Post Office for all Her Majesty's Dominions, and for settling a weekly Sum out of the Revenues thereof for the Service of the War and other Her Majesty's Occasions*, as enacts, that if the Packet or Mail shall be carried out of *Great Britain* into any Part or Place beyond the Seas, in any Ship or Vessel which is not a free Ship and navigated with such Seamen as by the Laws of this Land the same are required to be, the Postmaster General for the Time being shall in every such Case forfeit the Sum of One hundred Pounds Sterling, shall be and the same is hereby repealed.

Rates to be paid into the Hands of the Receiver General.

XXVII. And be it further enacted, That the several Rates and Duties of *British* Postage herein-before granted shall be paid from Time to Time into the Hands of the Receiver General for the Time being of the Revenue of the Post Office, who shall pay the same (the necessary Charges for collecting, paying, and accounting for the same being first deducted) into the Receipt of His Majesty's Exchequer, on such Days and Times and in such Manner as the present Rates and Duties are directed by Law to be paid; and the said Duties so to be paid into the said Receipt as aforesaid shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Recovery of Arrears of Postage by Distress of Goods.

XXVIII. And be it further enacted, That so often as any Sum or Sums of Money, not exceeding Twenty Pounds, shall be due from any Person or Persons in *Great Britain* or *Ireland*, (whether under this Act, or under any other Act or Acts relating to the Post Office,) for the Postage of any Letter or Packet, Letters or Packets, to him, her, or them delivered by any Deputy, Agent, or Letter Carrier under His Majesty's Postmaster General, or which shall be due from any Deputy, Agent, or Letter Carrier in *Great Britain* or *Ireland* for the Port of any Letters or Packets to him, her, or them intrusted for Delivery under the Authority of the said Postmaster General, or from any other Person or Persons employed or to be employed in receiving or collecting the Postage of Letters or Packets, or any of the Post Office Revenue, it shall be lawful for any

any Constable, Tithingman, or other Peace Officer of the County, Riding, Division, City, Town, or Place where such Person or Persons shall reside, first obtaining a Warrant for that Purpose under the Hand and Seal or Hands and Seals of any One or more of His Majesty's Justices acting in and for such County, Riding, Division, City, Town, or Place, (which Justice or Justices on Complaint made to him or them shall summon the Party complained of, and the Witnesses on either Side, and examine into the Matter of Fact, and shall grant such Warrant, on due Proof being made of the Sum or Sums due and owing from such Person or Persons as aforesaid by the voluntary Confession of the Party or by the Oath of One or more Witness or Witnesses,) to distrain such Person or Persons by his, her, or their Goods and Chattels for the Amount of such Debt, and the Distress so to be taken to detain and keep for the Space of Five Days at the Costs and Charges of such Person or Persons; and if he, she, or they shall not within the Time pay the Amount of such Debt, with the Costs and Charges of taking and keeping such Distress, then the Goods and Chattels so distrained shall be sold by such Constable, Tithingman, or other Peace Officer, who shall render the Overplus (if any) of the Money arising by the Sale thereof, after deducting and retaining the Amount of such Debt and the Costs and Charges of taking, keeping, and selling such Distress, to the Person or Persons so to be distrained as aforesaid; and for the Purpose of taking such Distress it shall be lawful for such Constable, Tithingman, or other Peace Officer, when any Refusal or Resistance shall be made, to break open in the Daytime any House or Place where any Goods or Chattels of such Person or Persons shall be, and if no sufficient Distress can be had or taken whereon to levy the said Debt and Charges, then such Justice or Justices shall commit such Person or Persons to the Prison of such County, Riding, Division, City, Town, or Place, there to remain until such Debt and Charges shall be fully paid and satisfied.

XXIX. And be it further enacted, That every Complaint, Information, Summons, Conviction, Warrant of Distress or Commitment, or other such Proceeding, which shall be had or taken under the Provisions of this Act for the Recovery of any Postage or Postage Debt, may be drawn or made out according to the several Forms contained in the Schedule hereunto annexed, or to the Effect thereof, *mutatis mutandis*, as the Case shall require, and every such Complaint, Information, Summons, Conviction, Warrant, or other such Proceeding which shall be so drawn or made out shall be good and effectual to all Intents and Purposes whatsoever, without stating the Case or the Facts or Evidence in any more particular Manner than is required in and by such Forms respectively; and that wherever the Term "Officer of the Post Office" occurs in this Act or the Schedule thereto, the same shall be construed to mean and include any Deputy, Agent, Officer, Clerk, Letter Carrier, or other Person employed by or under the Post Office, whatever may be his particular Office or Employment; and that whenever the Term "*East Indies*" occurs in this Act, the same shall be construed to mean and include every Port and Place within the Limits of the Charter of the United Company of Merchants commonly called The *East India* Company, not being in *China*; and that whenever

Proceedings to be in the Form specified in the Schedule.

in this Act, or the Schedule thereto, with reference to any Person, Matter, or Thing, any Word or Words is or are used importing the Singular Number or the Masculine Gender only, yet such Word or Words shall be understood to include several Persons as well as one Person, Females as well as Males, Bodies Politic or Corporate as well as Individuals, and several Matters or Things as well as one Matter or Thing, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Limitation of Actions.

XXX. And be it further enacted, That all Actions and Prosecutions which shall be brought or commenced against any Person for any thing done in pursuance or under the Authority of this Act shall be commenced and prosecuted within Three Calendar Months next after the Fact committed, and not afterwards, and shall be brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and the Defendant in such Action may plead the General Issue, and give this Act and any other Matter or Thing in Evidence at any Trial to be had thereupon; and if the Cause of Action shall appear to arise from any Matter or Thing done in pursuance and by the Authority of this Act, or if any such Action shall be brought after the Expiration of such Three Calendar Months, or shall be brought in any other County or Place than as aforesaid, or if Notice of such Action shall not have been given in manner aforesaid, or if Tender of sufficient Amends shall have been made before such Action commenced, or if a sufficient Sum of Money shall have been paid into Court after such Action commenced by or on behalf of the Defendant, the Jury shall find a Verdict for the Defendant; and if a Verdict shall pass for the Defendant, or if the Plaintiff shall become Nonsuit, or shall discontinue any such Action, or if on Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall recover his or her full Costs of Suit as between Attorney and Client, and shall have the like Remedy for the same as any Defendant may have for Costs of Suit in other Cases at Law; and although a Verdict shall be given for the Plaintiff in any such Action, such Plaintiff shall not have Costs against the Defendant unless the Judge before whom the Trial shall be had shall at the Time of such Trial certify in Writing his Approbation of the Action and of the Verdict obtained thereupon.

Act may be altered.

XXXI. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

SCHEDULE to which this Act refers.

No. 1.

*Form of Complaint whereon to found a Warrant of Distress for Recovery of Postage.*

County [or as the Case may be] of } BE it remembered, That on this Day  
of } in the Year of our Lord  
to wit. } at in the of A. B.,  
an Officer of the Post Office, complaineth to me C. D. Esquire, one of

of His Majesty's Justices of the Peace for the said Sum of \_\_\_\_\_ that the \_\_\_\_\_ is due and owing from *E. F.* of \_\_\_\_\_ to His Majesty [or to the said *A. B.*, if the Case be so,] for the Duty of Postage, which he hath refused or neglected to pay; and thereupon the said *A. B.* prayeth of me the said Justice that the said *E. F.* may be summoned to appear and show Cause, if any he have, why, upon due Proof being made of the Sum due and owing from him for Postage as aforesaid, a Warrant of Distress should not be granted for Recovery thereof pursuant to the Directions of the Statute in that Behalf made.

Taken and received by me the Day }  
and Year first above written. }

## No. 2.

*Form of a Summons on the foregoing Complaint.*

To *E. F.* of, &c.

County [or as the } WHEREAS Complaint hath been made unto me  
Case may be }  
of } *C. D.* Esquire, one of His Majesty's Justices of  
to wit. } the Peace for the \_\_\_\_\_ of

that the Sum of \_\_\_\_\_ is due and owing from you to His Majesty [or to *A. B.*, an Officer of the Post Office, if the Case be so,] for the Duty of Postage, which you have refused or neglected to pay; these are therefore to summon you to be and appear at in the said \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ at the Hour of \_\_\_\_\_ in the \_\_\_\_\_ noon of the same Day, before me the said Justice, or before such other of His Majesty's Justices of the Peace for the said \_\_\_\_\_ as shall be then present, in order that you may show Cause, if any you have, why, on due Proof being made of the Sum of Money due and owing from you for such Duty of Postage as aforesaid, a Warrant of Distress should not be granted for the Recovery thereof pursuant to the Directions of the Statute in that Behalf made; and if you fail to appear accordingly such Proceedings will be taken as if you had appeared and had not shown any sufficient Cause why such Warrant should not be granted. Given under my Hand and Seal this \_\_\_\_\_ Day of \_\_\_\_\_

## No. 3.

*Form of a Warrant of Distress, founded on the foregoing Complaint.*

To the Constable of \_\_\_\_\_ [or to *C. D.* of \_\_\_\_\_  
as the Case may be].

County [or as the } WHEREAS Complaint hath been made that  
Case may be } *E. F.* of \_\_\_\_\_ is indebted to His  
of } Majesty [or to *A. B.*, an Officer of the Post  
to wit. } Office, if the Case be so,] in the Sum of \_\_\_\_\_ for the  
Duty of Postage, which he hath refused or neglected to pay: And whereas the said *E. F.* hath been duly summoned, and due Proof hath been made on Oath before me that the Sum of \_\_\_\_\_ is due and owing from the said *E. F.* for such Duty of Postage as aforesaid, and that he hath neglected to pay the same: Therefore I command you to distrain the said *E. F.* by his Goods and Chattels, and to levy thereon the said last-mentioned Sum, being the Amount of such Duty of Postage as aforesaid, and also the further \_\_\_\_\_ Sum.



Sum of \_\_\_\_\_ for the Costs, Charges, and Expences of proceeding for and obtaining this Warrant and of the Proceedings incident and relating thereto, making together the Sum of \_\_\_\_\_ ; and if within the Space of Five Days next after the taking of such Distress the Sum of \_\_\_\_\_ together with the reasonable Costs and Charges of taking and keeping such Distress, shall not be paid, then I do hereby order and direct that you shall sell and dispose of the said Goods and Chattels which shall be so distrained, and that you shall levy and raise thereout the said Sum of \_\_\_\_\_ and all reasonable Costs and Charges of taking, keeping, and selling such Distress, rendering the Overplus (if any) to the Owner of the said Goods and Chattels; and you are to certify to me what you have done by virtue of this my Warrant. Given under my Hand and Seal this \_\_\_\_\_ Day of \_\_\_\_\_

(Signed)

One of His Majesty's Justices of the Peace for the said \_\_\_\_\_ of \_\_\_\_\_

No. 4.

*Form of a Warrant of Commitment for Want of sufficient Distress, founded on the foregoing Complaint.*

To the Constable of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ and also to the Keeper of the Common Gaol [*or* House of Correction] at \_\_\_\_\_ in the said \_\_\_\_\_

County [*or as the Case may be*] of \_\_\_\_\_ } WHEREAS Complaint was made that *E. F.* of \_\_\_\_\_ was indebted to His Majesty [*or to A. B.*, an Officer of the Post Office, *if the Case be so,*] in the Sum of \_\_\_\_\_ for the Duty of Postage, which he had refused or neglected to pay : And whereas the said *E. F.* was duly summoned, and due Proof was made on Oath that the Sum of \_\_\_\_\_ was due and owing from the said *E. F.* for such Duty of Postage as aforesaid, and that he had neglected to pay the same : And whereas a Warrant has been issued directed to *C. D.* of \_\_\_\_\_ commanding him by Distress and Sale of the Goods and Chattels of the said *E. F.* to levy the said last-mentioned Sum, being the Amount of such Duty of Postage as aforesaid due and owing from the said *E. F.*, and also the further Sum of \_\_\_\_\_ for the Costs, Charges, and Expences of proceeding for and obtaining the said Warrant and of the Proceedings incident and relating thereto, making together the Sum of \_\_\_\_\_ : And it now appearing to me, by the Oath of the said *C. D.*, that no sufficient Distress can be found whereon to levy the said Duty, Costs, and Charges, [*or, in case an insufficient Distress shall have been taken,* And whereas the said *C. D.* hath certified to me that he hath, under the said Warrant, levied and raised the Sum of \_\_\_\_\_ only; and it now appearing to me, by the Oath of the said *C. D.*, that no sufficient Distress can be found whereon to levy the Residue of the said Duty, Costs, and Charges,] therefore I command you the said Constable of \_\_\_\_\_ to apprehend and take the said *E. F.*, and safely to convey him to the Common Gaol [*or* House of Correction] of the said \_\_\_\_\_ at \_\_\_\_\_ in \_\_\_\_\_

in the said \_\_\_\_\_, and there to deliver him to the Keeper thereof, together with this Warrant: And I do hereby command you the said Keeper to receive into your Custody in the said Gaol [or House of Correction] him the said *E. F.*, and him therein safely to keep until the said Sum of \_\_\_\_\_, or until the Sum of \_\_\_\_\_, the Residue of the said Duty, Costs, and Charges remaining after deducting the said Sum of \_\_\_\_\_ so levied and raised as aforesaid, shall be fully paid and satisfied.

Given under my Hand and Seal this \_\_\_\_\_ Day of \_\_\_\_\_.

(Signed)

One of His Majesty's Justices of the Peace  
for the said \_\_\_\_\_ of \_\_\_\_\_.

## CAP. XXVI.

An Act for the Appointment of convenient Places for the holding of Assizes in *Ireland*. [21st August 1835.]

‘ WHEREAS by a Statute made in the Sixth Year of the Reign of King *Richard* the Second it was ordained, that the Justices assigned to take Assizes and deliver the Gaols should hold their Sessions in the principal and chief Towns of every of the Counties where the Shire Courts of the same Counties should be holden: And whereas by a Statute made in the Eleventh Year of the same Reign, reciting so much of the said Statute of the Sixth Year as is herein-before recited, and stating that the said Statute was in part prejudicial and grievous to the People of divers Counties in *England*, it was provided that the Chancellor of *England* for the Time being should have Power thereof to make and provide Remedy, by Advice of the Justices, from Time to Time when Need should be, notwithstanding the said Statute: And whereas the Places at which the Assizes are now held in various Counties of *Ireland* are inconvenient to the Inhabitants thereof, and it would conduce to the more cheap, speedy, and effectual Administration of Justice to appoint other Places instead thereof for the holding of Assizes; but Doubts may be entertained whether that Object can be fully effected by virtue of the Statutes herein-before referred to:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of each of the said Statutes as relates or may be construed to relate to holding Assizes or Sessions in *Ireland* shall be and the same is hereby repealed.

II. And be it declared and enacted, That the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, shall have Power from Time to Time to order and direct at what Place or Places in any County in *Ireland* the Assizes and Sessions under the Commissions of Gaol Delivery, and other Commissions for the Dispatch of Civil and Criminal Business, shall be holden, and to order and direct such Assizes and Sessions for the Dispatch of Criminal and Civil Business to be holden at more than One Place in the same County, and to order and direct the Assizes and Sessions under such Commissions

Recited Statutes in part repealed.

Lord Lieutenant, &c. in Council may direct at what Places Assizes and Sessions shall be held, and that they may be holden in more than One Place in the County; as also Special Commissions.

for the Dispatch of Criminal or Civil Business to be holden at One or more Place or Places in such County; and further to order and direct any Special Commissions of Oyer and Terminer and Gaol Delivery to be holden at any One or more Places in any such County.

Place for holding Assizes not to be changed, or Counties divided, unless desired by Majority of Grand Jury.

III. Provided always, and be it enacted, That it shall not be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and the Privy Council there, to make any Order for changing the Place for holding the Assizes in any County, or for dividing any County, for the Purposes of this Act, unless a Memorial shall have been presented to him or them by a Majority of the Grand Jury of the Assizes of such County, praying that such Change or Division may be made.

Power to divide Counties for the Purpose of holding Assizes in different Divisions of the same County.

IV. And be it enacted, That in case the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, shall think fit to order and direct that the Assizes or any such Special Commissions shall be holden at more than One Place in any One County, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors, by and with the Advice aforesaid, to divide any such County for the Purposes of this Act, and to make Rules and Regulations touching the Venue in all Cases, Civil and Criminal, then pending or thereafter to be pending and to be tried within any Division of such County so to be made as aforesaid; and touching the Liability and Attendance of Jurors, whether Grand Jurors, Special Jurors, or Common Jurors, at the Assizes and Sessions as aforesaid, or at any Sessions under any Special Commissions to be holden within any such Division; and touching the Use of any House of Correction or Prison as a Common Gaol, and the Government and Keeping thereof; and touching the Alterations of any Commissions, Writs, Precepts, or other Proceedings whatsoever for carrying into effect the Purposes of this Act; and touching any other Matters that may be requisite for carrying into effect the Purposes of this Act; and all such Rules and Regulations shall be of the like Force and Effect as if the same had been made by the Authority of Parliament, and shall be notified in the *Dublin Gazette*, or in such other Manner as the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by and with the Advice of the Privy Council of *Ireland*, shall think fit to direct.

CAP. XXVII.

An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in *Ireland*.

[21st August 1835.]

WHEREAS several Acts from Time to Time have passed, containing Regulations for the Linen and Hempen Manufactures in *Ireland*, and such Regulations were, by an Act passed in the Second and Third Years of the Reign of His present Majesty, intituled '*An Act for the better Regulation of the Linen and Hempen Manufactures in Ireland*, continued in force until the End of the present Session of Parliament, when the same will expire; and it is expedient that such Regulations should be, with certain Modifications, continued for a Time to be limited: Be

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it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act all Flax sold by Sample or otherwise, or exposed for Sale in open Fair or Market, in *Ireland*, shall be of equal Cleanness and Quality throughout each Parcel, upon pain that any Person selling or exposing for Sale such Flax, or the Owner thereof at the Time of Sale, shall forfeit and pay a Sum not exceeding the Amount of One Shilling for every Stone of Flax so sold or exposed for Sale which shall not be of equal Cleanness and Quality throughout each Parcel.

All Flax sold or exposed for Sale in Fair or Market to be of equal Cleanness and Quality throughout; Penalty not exceeding 1s. per Stone.

II. And be it further enacted, That all brown or unbleached or unpurged Linen Yarn sold in open Fair or Market in *Ireland* shall be well and sufficiently spun and made up into Hanks, each Hank to consist of Twelve Cuts and no more, save and except in the Case of Yarn or Grist of Two Hanks in the Pound, commonly called Pound Yarn or Head Yarn, which last-mentioned Description of Yarn shall be made up in Half Hanks of Six Cuts and no less; and every such Cut shall contain One hundred and twenty Threads, and no more; and every such Hank shall be One Yard and One Quarter in Length, or Two Yards and One Half in Circumference, and no more; and each such Cut in every such Hank shall be separated as the same shall be reeled, and not afterwards; and in reeling such Linen Yarn no more than One Thread at a Time shall be reeled; and all the Yarn contained in every such Hank shall be of Flax Yarn only, or Tow Yarn only, of the same Colour and Fineness throughout each Hank; and when the Hank or Twelve Cuts are reeled the same shall be made up in such Manner as to admit of opening thereof at every Part at Ten Inches at least, for the Purpose of spreading on the Bleach Green; and in case any Person or Persons shall sell or expose for Sale in open Fair or Market any Yarn which shall not be conformable to the above Regulations, or which shall be deficient in Quality, Length, or Count, such Person or Persons, or the Owner or Owners of such Yarn at the Time of Sale, shall forfeit a Sum after the Rate of not less than One Penny nor more than Four-pence for every Hank of such Yarn so sold or exposed for Sale as aforesaid; and that in all Cases of Fraud or wilful Default in the Preparation of Linen Yarn which shall be sold or exposed for Sale in open Fair or Market, the Person or Persons selling or exposing for Sale such Yarn, or the Owner or Owners thereof, shall forfeit a Sum not less than One Penny nor more than Four-pence for every Hank of such Yarn so sold as aforesaid: Provided always, that nothing herein-before contained shall extend or be construed to extend to Mill-spun Yarn, and that no Mill-spun Yarn shall be subject to the Regulations aforesaid.

Regulations as to reeling and counting Linen Yarn when sold in Fair or Market.

III. And be it further enacted, That for the Purposes of this Act all Flax or Linen Yarn which shall be sold or exposed for Sale in the public or usual Market Place of any Fair or Market, between the Hours of Eight of the Clock in the Forenoon and Two of the Clock in the Afternoon of any Fair or Market Day, shall be deemed and taken to be sold or offered for Sale in open Fair or Market,

Places and Hours of Sale of Linen Yarn and Flax.

Market, and none other; any Law, Usage, or Custom to the contrary notwithstanding.

Weaver to  
weave Two  
coarse Threads,  
and write his  
Name and  
Residence on  
every Piece of  
Linen, with its  
Length and  
Breadth.

IV. And be it further enacted, That across each End of every Piece of Linen Cloth sold or exposed for Sale in open Fair or Market in *Ireland* there shall be woven Two coarse Threads or Cords, distant from each other about One Fourth Part of an Inch; and there shall be written with Pen and Ink, close to such coarse Threads or Cords on each End, in legible Characters, the Christian Name, Surname, and Place of Residence of the Weaver or Manufacturer thereof, and there shall be also written or marked upon the Outside Fold of every such Piece of Linen the Length and Breadth thereof; and in case any Person shall sell or offer for Sale in open Fair or Market any Piece of Linen wherein such Threads or Cords shall not be so woven, or whereon the Name and Residence of the Weaver or Manufacturer, and the Length and Breadth thereof, shall not be so written, such Person so offending shall, upon Complaint and Proof thereof, forfeit a Sum not exceeding Five Shillings for every such Offence, according to the Judgment and Discretion of the Justice or Chief Magistrate before whom any such Complaint shall be made.

Penalty for  
Neglect.

Widths of  
Linen Cloth.

V. And be it further enacted, That no Person shall sell or expose for Sale in open Fair or Market in *Ireland* any Piece of brown Linen Cloth being of or exceeding the Set of Twelve hundred, made or intended to be of the Denomination commonly called Yard wide, that shall not be, when brown and before the same shall be bleached, Thirty-seven Inches and a Half broad at least; and that all Cloth of the Denomination of Yard wide, being under the Set of Twelve hundred, shall be, when brown, Thirty-six Inches broad at least; and that no Person shall sell or expose for Sale in any public Market any Piece of plain Linen Cloth being of the Denomination commonly called Seven Eighths wide, that shall not be, when brown and before the same shall be bleached, Thirty-two Inches broad at least; and that no Person shall sell or expose for Sale in any public Market any Piece of plain Linen Cloth being of the Denomination commonly called Three Quarters wide, that shall not be, when brown and before the same shall be bleached, Twenty-eight Inches broad at least; and that no Person shall sell or expose for Sale in any public Market any Piece of plain Linen Cloth of the Denomination of Nine Eighths wide Sheeting, that shall not be, when brown and before the same shall be bleached, Forty-one Inches broad at least; and that no Person shall sell or expose for Sale in any public Fair or Market any Piece of plain Linen Cloth of the Denomination of Five Quarters wide Sheeting, that shall not be, when brown and before the same shall be bleached, Forty-five Inches broad at least; and that no Person shall sell or expose for Sale in any public Fair or Market any Piece of plain Linen Cloth of the Denomination of Six Quarters wide Sheeting, that shall not be, when brown and before the same shall be bleached, Fifty-four Inches broad at least; and that if any Person shall sell or expose for Sale in any Fair or Market any Linen Cloth or Sheetings of the Denominations above mentioned, which shall not be respectively of the Widths above directed and specified, every such Person shall be subject to a Penalty of not less than Five Shillings

Yard wide.

7 8ths wide.

3 4ths wide.

9 8ths wide.

5 Qrs. wide.

6 Qrs. wide.

Penalty.

Shillings nor more than Ten Shillings for each such Piece so sold in open Fair or Market.

VI. And be it further enacted, That every Piece of brown or unbleached Linen Cloth which shall be exposed to Sale in open Fair or Market shall be so exposed in open Folds, and no ways tied at either End or in the Middle, upon pain that any Person selling or exposing for Sale any such Linen Cloth contrary to the Directions aforesaid shall forfeit not less than Two Shillings and Sixpence nor more than Five Shillings for every such Piece so sold or exposed for Sale as aforesaid.

How Linen Cloth shall be exposed to Sale in Fair or Market.

VII. And be it further enacted, That no Person shall in open Fair or Market sell or expose for Sale any Piece of brown or unbleached plain Linen Cloth which shall be thicker or finer in the Selvage than in the Body of such Piece, or which shall not be of equal Fineness and Thickness throughout every Part of the Length and Breadth of such Piece, under a Penalty of a Sum not less than Two Shillings and Sixpence nor more than Twenty Shillings for every such Piece of Linen so sold or exposed for Sale as aforesaid.

Linen to be of equal Fineness throughout.

VIII. And be it further enacted, That no Person shall sell or expose for Sale in open Fair or Market any Piece of brown or unbleached Linen any Part whereof shall have been glazed, pasted, or spouted, after it is woven, or dyed or stained, either in the Yarn or Cloth, with any Material which has a Tendency to render the Part so glazed, pasted, spouted, dyed, or stained more difficult to bleach, or to deceive the Buyer as to Quality, on pain of forfeiting not less than Five Shillings nor more than Twenty Shillings for every such Piece so sold as aforesaid.

Linen not to be pasted or spouted.

IX. And be it further enacted, That for the Purposes of this Act all Linen which shall be sold or exposed for Sale within the Custom Gaps or Custom Gates of any Fair or Market, on the respective Fair or Market Days, between the Hours herein-after mentioned, (that is to say,) between Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon from the Twenty-fifth Day of *March* until the Twenty-fifth Day of *September* in each Year, and between Eleven of the Clock in the Forenoon and Two of the Clock in the Afternoon from the Twenty-fifth Day of *September* until the Twenty-fifth Day of *March* in each Year, shall be deemed and taken to be sold or exposed for Sale in open Fair or Market, and none other; any Law, Usage, or Custom to the contrary notwithstanding.

What shall be deemed a Sale or Exposure for Sale of Linen in Fair or Market.

X. And be it further enacted, That it shall and may be lawful for any Justice of the Peace, or the Chief Magistrate of any Town, before whom a Complaint on Oath shall be made against any Person or Persons for selling or offering for Sale in Fair or Market any Flax, Yarn, or Linen not conformable to the Regulations in this Act contained, or for any Fraud or wilful Default in the Preparation or Manufacture of such Flax, Yarn, or Linen so sold or offered for Sale, and such Justice or Chief Magistrate is hereby required and empowered to summon before him Three Persons skilled in Flax, Yarn, or Linen, as the Case may be, of whom One shall be named by the Party making such Complaint, another by the Party against whom such Complaint may be made, and the Third by such Justice or Chief Magistrate; and in default of either Party making such Nomination such Justice or Chief

Proceedings before Justice or Chief Magistrate upon Complaints on Oath.

Magistrate

Magistrate shall nominate a Person on behalf of the Party so making Default; and the Three Persons so summoned shall be sworn by such Justice or Chief Magistrate well and truly to examine the Flax, Yarn, or Linen, as the Case may be, which is the Subject of such Complaint, and a true Verdict to give whether such Complaint be or be not well-founded; and such Verdict shall be conclusive on the Subject of such Complaint; and if such Complaint shall be declared to be ill-founded, then and in such Case the said Three Persons shall award such Compensation as they may deem just to be paid by the Party making such Complaint to the Person or Persons against whom such Complaint may have been made, for his or her or their Trouble and Loss of Time and Expences occasioned by such unfounded Complaint; and the Money so awarded shall and may be recovered by all such Means as any Penalty might have been recovered in case the said Complaint had been proved to be well-founded.

For settling  
Disputes be-  
tween Buyer  
and Seller in  
Fairs and Mar-  
kets.

XI. 'And whereas Disputes frequently arise between the Buyer and Seller, in respect of Flax, Yarn, and Cloth sold or agreed to be sold in Fairs or Markets;' for Remedy whereof, be it enacted, That if the Buyer of any such Flax, Yarn, and Cloth sold or agreed to be sold in Fair or Market shall without just Cause refuse to pay to the Person selling the same the Price agreed upon between them, or if the Seller shall without just Cause refuse to deliver such Flax, Yarn, or Cloth to the Person buying the same, or shall wilfully neglect to present the same for Payment at the usual Place of Payment of the Buyer within Five Hours after having sold the same, being duly informed of such Place of Payment, it shall be lawful for the Buyer or Seller of the same respectively to complain, at any Time within Twenty-four Hours, to the next Justice of the Peace, or to the Chief Magistrate of any Town where such Dispute shall have arisen; and every such Justice of the Peace or Magistrate is hereby required and authorized forthwith to summon the Parties to appear before such Justice and some other Justice or Chief Magistrate; and if it shall appear to such Justices, or Chief Magistrate and Justice, that the Buyer shall without just and reasonable Cause refuse or have refused to pay the Seller the Price first agreed upon between such Buyer and Seller at such Fair or Market, such Justices of the Peace, or Magistrate and Justice, may, by Warrant under their Hands and Seals respectively, order such Flax, Yarn, or Cloth to be returned to the Seller thereof, and may by such Warrant direct any Penalty not exceeding the Sum of Ten Shillings to be levied off the Goods and Chattels of the Buyer thereof; and if it shall appear to such Justices of the Peace, or to such Chief Magistrate and Justice, that the Seller shall without reasonable Cause refuse or have refused to deliver up such Flax, Yarn, or Cloth to the Person or Persons to whom he had sold or agreed to sell the same, or shall wilfully neglect to present the same for Payment at the usual Place of Payment of the Buyer within Five Hours after having sold the same, being duly informed of such Place of Payment, such Justices of the Peace, or Chief Magistrate and Justice, may, by Warrant under their Hands and Seals, order the same to be delivered up to the Person who had bought or agreed to buy the same, and may also by such Warrant direct any Penalty not exceeding the Sum of  
Ten

Ten Shillings to be levied off the Goods and Chattels of the Seller.

XII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to nor shall affect any Flax, Yarn, or Linens not sold nor exposed for Sale in open Fair or Market, it being the true Intent and Meaning of this Act that all Persons may manufacture and make up Flax, Yarn, or Linens in any Manner they may think proper, and sell the same, without being subject to any Regulations, Penalties, or Provisions in this Act contained, unless they sell or expose for Sale the same in open Fair or Market.

Flax, Yarn, and Linens not to be subject to Regulations unless sold in open Market.

XIII. And whereas it is expedient and necessary that fit and proper Persons should be provided to examine, measure, and stamp all brown or unbleached Linens sold in public Markets, in all Cases where the Buyers of any such Linens shall require the said Linens to be examined, measured, and stamped by any such Persons, before they pay for the same; and to the end that no Inconvenience should be felt from the Want of any such Persons upon and immediately after the Commencement of this Act, be it enacted, That all Persons who at any Time before the Commencement of this Act have been appointed or authorized to act as Sealmasters of brown Linen under the Provisions of the said recited Act of the Second and Third Years of His present Majesty's Reign, and who shall be acting in that Capacity at the Time of the Commencement of this Act, shall continue to act therein until the Appointment or Appointments of every such Sealmaster respectively shall be afterwards confirmed or revoked in manner directed by this Act.

Sealmasters of brown Linens formerly appointed to be continued.

XIV. And be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being from Time to Time to nominate and appoint, in any and every County in which the Linen Manufacture or any Branch thereof is or shall be carried on, Twelve such Persons, residing in such County, or buying or selling Linens therein, as shall appear to be fit and proper Persons, to be a Committee for appointing, directing, and controlling the Inspectors and Brown Linen Sealmasters of such County, conformably to the Regulations, Provisions, and Directions prescribed by this Act, of which Nomination and Appointment public Notice shall be given in the *Dublin Gazette*, and in some Paper published in every such County respectively; and in case of the Death or Resignation of any Person appointed to be a Member of such Committee, and in case of any Removal made by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being of any Person from the Situation of Member of the said Committee, which Removal the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being is and are hereby empowered to make, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being as aforesaid to nominate and appoint such other Person or Persons as he or they shall think fit to be a Member or Members of such Committee in the Room and Stead of the Person or Persons who shall have died or resigned, or who shall have been so removed; and Notice of every such Nomination or Appointment shall be given

Lord Lieutenant to appoint a Committee in each County for regulating Sealmasters.



given in the *Dublin Gazette* and in any Newspaper of the County to which such Nomination shall relate.

Committees appointed under 2 & 3 W. 4. c. 77. to continue, unless superseded.

XV. Provided always, and be it enacted, That the Persons appointed or authorized under the herein-before recited Act of the Second and Third Years of the Reign of His present Majesty to constitute Committees in their several Counties for the Purposes of such Act, and who shall be acting in that Capacity at or previous to the Commencement of this Act, shall be and constitute, without further Nomination or Appointment, the respective Committees in such Counties for the Purposes of this Act, and shall be deemed and taken to be and to have been appointed hereunder, and shall have Power and Authority accordingly to act in execution of this Act until or unless the Lord Lieutenant or other Chief Governor or Governors shall think fit to supersede such Persons.

Committee may remove Sealmasters and appoint others.

XVI. And be it further enacted, That every such Committee, having formed a List of all Persons acting as Sealmasters in the County for which such Committee shall be appointed, shall then proceed to revise the said List; and it shall and may be lawful for every such Committee, or any Five or more of them, upon such Revision, to dismiss any Person from the Situation of Sealmaster whom they shall consider to be unfit for such Situation, and to appoint another in place of the Person so dismissed, and so from Time to Time to dismiss and appoint every such Person as such Committee, or any Five or more of them, shall deem it right to dismiss from or appoint to the Office and Situation of a Sealmaster of brown Linen, limiting or extending the Number of such Sealmasters according as it shall seem to such Committee to be expedient and necessary; and it shall and may be lawful for every such Committee, or any Five or more of them, to confine the Duties and Authorities of every Sealmaster to such particular Linen Market or Markets in their respective Counties as they shall think proper, and to dismiss any Sealmaster who shall refuse or neglect to obey any such Rules, Regulations, and Directions as such Committee shall lay down for the Government of such Sealmaster; provided that nothing contained in the said Rules, Regulations, and Directions shall be contrary to any of the Provisions of this Act.

Lord Lieutenant may direct the Committee to report the Grounds upon which they have dismissed any Sealmaster; and cause such Report to be inquired into; and confirm or revoke such Dismissal.

XVII. Provided always, and be it enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, in his or their Discretion, to order and direct that such Committee as aforesaid shall, within a Time to be specified, make a Report of the Grounds upon which any Dismissal of any Sealmaster may have taken place by or under the Orders of such Committee, and such Report such Committee are hereby required to make accordingly, within such Time as shall be specified for that Purpose; and it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to direct that the Matter of such Report shall be inquired into by any Person or Persons to be named and appointed for that Purpose by such Lord Lieutenant or other Chief Governor or Governors of *Ireland*; and according to the Result of such Inquiry, or in case no Report shall be made by such Committee within the Time so specified, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, either to confirm such Dismissal or to revoke the same, and to direct

that the Person so dismissed shall be restored to his Situation of Sealmaster.

XVIII. And be it further enacted, That every Person who shall at or previous to the Commencement of this Act be acting as a Sealmaster in any County, and desirous of continuing so to do, shall, within Twenty Days after the passing hereof, enter, with Two sufficient Sureties, into such Security as herein-after mentioned; and that every Person who shall be at any Time after the passing of this Act appointed a Sealmaster shall, before doing any Act by virtue of such Appointment, enter, with Two sufficient Sureties, into such Security as herein-after mentioned; (that is to say,) a Security by Writing Obligatory to our Sovereign Lord the King in such penal Sum or Sums as shall be directed by the Committee for the County wherein such Sealmaster shall act, such Writing Obligatory to be in such Form of Words as Obligations to the King's Majesty are used to be made, for the Performance of the Conditions thereunder written; and the Committee for each County shall have Power and Authority to take and cause such Writing Obligatory to be made and entered into; and all Obligations so made shall be good and effectual in Law to all Intents and Purposes as any Obligation made to our Sovereign Lord hath heretofore been or may be adjudged or taken to be; and the Condition of every such Security shall be, that the Person so appointed a Sealmaster shall duly and diligently execute his Office according to the Regulations of this Act; and that such Sealmaster, his Executors or Administrators, shall duly and without Delay pay all such Fines as shall be imposed on him from Time to Time by any Justice or Chief Magistrate, and all such Damages as may be awarded against him in any Suit or Proceeding under this Act; and that in case of the Death of any of his Sureties, such Sealmaster will, within One Month after such Death shall have come to his Knowledge, procure another sufficient Person to enter into a like Security; and that such Sealmaster, his Executors or Administrators, will surrender and give up his Seal or Stamp when thereunto required by such Committee, or any Five or more of them; and that he will not at any Time lend, hire out, or sell his Stamp or Seal, or suffer the same to be used by any Person but himself, or his known Servant or Assistant at his usual Place of Residence: Provided always, that no such Writing Obligatory to be made or entered into as aforesaid by any Person who shall at the Commencement of this Act (but not otherwise) be acting as a Sealmaster in any County, and who shall be desirous of continuing so to do, shall be subject to any Stamp Duty whatsoever imposed by any Act or Acts now in force, or to be imposed by any future Act or Acts, unless the same be specially subjected thereto in and by such future Act or Acts.

Sealmaster shall give Security.

XIX. And be it further enacted, That it shall and may be lawful for every such Committee, or any Five or more of them, to choose and prescribe the Form and Device of the Seal or Stamp to be used by the Sealmaster of their respective County, and to alter the same as often as such Committee shall think fit; and if any Person shall forge or counterfeit any Seal or Stamp of any Sealmaster appointed or to be appointed by such Committee, or any Five or more of them, to any Piece or Part of a Piece of brown Linen, such Person, being thereof lawfully convicted, shall be imprisoned, with

Committee to prescribe the Forms of Seals to be used by Sealmasters. Forging Seals.

with or without hard Labour, for any Period not exceeding One Year, at the Discretion of the Judge or Judges who shall try such Offence.

Residence of Sealmasters.

XX. And be it further enacted, That every Sealmaster of brown Linen, except such as are or shall be appointed to particular Markets, shall reside within the Parish mentioned on his Seal; and that One of the Persons who shall enter into Security for him as aforesaid shall be resident within the same Parish, or in or within One Mile of the next Market Town thereto within the same County; and that a Sealmaster appointed for any particular Market shall be at liberty to use his Seal or Stamp in respect to all Linens prepared for Sale in such Market, without reference to his Place of Residence.

Duties of Sealmasters.

XXI. And be it further enacted, That every Sealmaster of brown or unbleached Linen, appointed as aforesaid, shall carefully view, examine, and measure every Piece of such Linen which shall be produced and offered to him to be sealed; and if the same shall appear to him to be merchantable, and to be conformable to the Directions in this Act contained, then, and not otherwise, such Sealmaster shall affix or cause to be affixed a fair Impression of such Seal as shall be appointed for him by the said Committee, with Lamp Black, or Vermillion, or Stone Blue, and Size or common Oil, on the Middle of such Fold, at no more than Thirteen Inches from the End of such Piece, and shall likewise mark or cause to be marked with such Ingredients as aforesaid, on the Back or Outside of every such Piece, the Length of such Piece, and the Number of Inches it contains in Breadth, and also the Half Inch if the same shall be in Breadth Half an Inch more than any Number of Inches (without regard to any lesser Fractions of an Inch), together with the Name of such Sealmaster, and the Parish and County where he resides, or the Name of the Market Town for which he may be appointed to act; and if any Parts of such Piece shall be damaged or faulty, but not so damaged or faulty as to render the same unmerchantable, every such damaged or faulty Part shall be fairly exposed in the Lap or Bosom of such Piece, so as that the same may be easily seen; and opposite to such damaged or faulty Part, upon the Bosom of every such Piece, such Sealmaster shall affix or cause to be affixed an Impression of his Seal, with such Ingredients as aforesaid, to denote such damaged or faulty Part; and such Sealmaster shall and may demand and take the Sum of One Penny, and no more, for every Piece of brown or unbleached Linen containing Twenty-five Yards or under which shall be by him sealed as aforesaid, and so in proportion for a greater Quantity; and if any such Sealmaster shall offend by neglecting or transgressing any One of the Regulations aforesaid every such Sealmaster shall forfeit a Sum not less than Five Shillings nor exceeding Twenty Shillings for every such Offence.

Their Fees.

Penalty for Neglect.

No Person to sell or buy any unbleached Linen not sealed.

XXII. And be it further enacted, That no Person shall in open Fair or Market in *Ireland* sell or expose to Sale, buy or agree to buy, any Pieces of brown or unbleached Linen which shall not, at the Time of selling or exposing the same to Sale, be sealed and marked as required by this Act, upon pain of forfeiting the Sum of Five Shillings for every Piece of Linen so sold or exposed to Sale.

XXIII. And

XXIII. And be it further enacted, That all brown Linen shall be measured between Seal and Seal, and bad and insufficient Ends shall not be taken into the Length thereof; and such Linen shall be bought and sold by no other Measure than the Statute Yard containing Thirty-six Inches; and no extraordinary Measure or Allowance, except the Breadth of a Thumb, as is now generally practised, to every Yard in the measuring thereof, shall be made therein by the Seller to the Buyer, or required or accepted of or taken by the Buyer from the Seller, upon pain that every Person buying or selling any such Linen contrary to the true Intent and Meaning of this Act shall forfeit not less than Two Shillings and Sixpence nor more than Five Shillings for every such Offence.

Sealmasters to measure between Buyer and Seller.

XXIV. And be it further enacted, That if any Person shall sustain any Loss or Damage in the buying any Piece of brown or unbleached Linen, by any damaged Part being concealed in the Folds thereof, or by its not answering the Measure as to the Length or Breadth marked thereon by any Sealmaster, it shall and may be lawful to and for such Person to sue for and recover from the Sealmaster of such Piece, or the Persons who shall at the Time of such sealing be bound as Security for his faithful Discharge of the Office of Sealmaster, the full Value of the Loss or Damage so sustained.

Buyers may recover from Sealmasters for Damage or Deficiency in Linen.

XXV. And be it further enacted, That it shall and may be lawful for the Committees aforesaid, or any Five of their Body, to appoint Inspectors for such brown Linen and Linen Yarn and Flax Markets within each of their said Counties as may appear to such Committees necessary for the better Regulation of such brown Linen, Linen Yarn, and Flax Markets within such Counties; and that it shall and may be lawful for such Committees at any Time to dismiss or discontinue such Inspectors, and to appoint others in their Places; provided that it shall not be lawful for such Committees to impose any Fine, Charge, or Impost whatsoever for the Remuneration or Emolument of such Inspectors.

Committee shall appoint Inspectors.

XXVI. And be it further enacted, That every such Inspector so appointed shall have full Power and Authority to inspect and examine all brown Linen, Linen Yarn, or Flax exposed for Sale in any public Market or Fair to which he shall have been appointed as aforesaid; and he is hereby authorized and required to seize any Linen Yarn or Flax so sold or exposed for Sale in public Fair or Market not conformable to the Regulations prescribed in this Act; and such Inspector shall forthwith carry such Linen, Yarn, or Flax before the next Justice of the Peace or other Chief Magistrate within their respective Jurisdictions to be dealt with according to Law; and in case a Justice of the Peace or other Magistrate cannot be forthwith found, then such Inspector may detain such Linen, Yarn, or Flax so seized, if necessary, for Forty-eight Hours, but no longer, to be dealt with as aforesaid; and such Inspector shall, as often as he may be called on by the Committee of the County for which he shall act, return a Diary or Journal of his Proceedings, and a true Account of all Linens, Yarns, and Flax by him seized or informed against, and also a true Account of the Fines imposed and levied or paid on such Linens, Yarns, or Flax, and also pay the Amount of the said Fines received by him to such Committee, when required so to do.

Duty of Inspectors.

Persons embezzling, &c. Linen Yarn, &c. shall forfeit Three Times the Value of the same.

XXVII. And be it further enacted, That if any Person entrusted with any Linen Yarn, Hempen Yarn, Cotton Yarn, or any One or more of those Materials mixed with each other, or any Tools, Materials, or Apparatus for manufacturing the same, shall fraudulently sell, pawn, or embezzle such Linen Yarn, Hempen Yarn, Cotton Yarn, or each or any of them respectively, or such Tools, Materials, or Apparatus, every such Offender, and the Receiver of any such Article knowing the same to be or have been so fraudulently sold, pawned, or embezzled, shall forfeit Three Times the Value of the same.

Weavers to fulfil their Agreements on pain of forfeiting the Value of the Yarn.

XXVIII. And be it further enacted, That every Weaver shall well and sufficiently weave all sound and sufficient Linen Yarn and Cotton Yarn and Hempen Yarn to him delivered to be woven, within such Time, and in such Reeds, and into Cloth of such Breadths, as shall be agreed upon between the Owner or Owners of such Yarn and such Weaver, upon pain of forfeiting the full Value of such Yarn, or the full Price agreed upon for weaving the same.

Neglect to return Yarn, &c. after Fourteen Days Notice, deemed as embezzling.

XXIX. And be it further enacted, That if any Person or Persons who shall be entrusted with any Linen, or Linen Yarn or Hempen Yarn, or Materials or Tools or Apparatus for manufacturing the same, shall refuse or neglect to return such Yarn, Materials, Tools, or Apparatus within Fourteen Days after the same shall have been demanded by or in behalf of the Owner thereof, such Neglect or Refusal shall be deemed and taken as embezzling under this Act.

Manufacturers making Complaint on Oath, Justices may order Search, and restore Possession.

XXX. And be it further enacted, That in case any Manufacturer shall make Oath before a Justice of the Peace that he has entrusted any Linen Yarn, Hempen Yarn, or Cotton Yarn, or the Materials, Tools, or Apparatus for manufacturing the same, to any Person or Persons, and that he has just Cause to suspect and does suspect that such Person is about to abscond with the same, then such Justice shall have Power and Authority, at his Discretion, to issue his Warrant requiring such Person or Persons to restore the Article or Thing entrusted to him or them, and in default thereof to apprehend such Person or Persons, and bring him or them before him, or some other Justice of the Peace for the same County; and unless such Person or Persons shall give Security for the Return of the Article or Thing so entrusted to him or them within a Time then mentioned, such Justice shall, by Warrant, order any Constable to enter the House of such Person or Persons, and give Possession of such Article or Thing to the Owner thereof, such Owner making such reasonable Compensation for any Labour expended therein or thereupon as to such Justice shall seem proper.

Affirmation of Quaker or Moravian to be taken in lieu of Oath.  
Perjury.

XXXI. And be it further enacted, That in all Cases where by the Provisions of this Act any Oath or Affidavit is authorized or required to be taken, the solemn Affirmation of any Person being a Quaker or Moravian shall be sufficient in the Place of such Oath or Affidavit; and every Person who shall knowingly swear or affirm any thing false in any such Oath or Affirmation shall be deemed and taken to be guilty of Perjury, and, being lawfully convicted thereof, suffer such Punishment as Persons convicted of wilful and corrupt Perjury are by the Laws in force in *Ireland* subject to.

XXXII. And

XXXII. And be it further enacted, That all Complaints which shall be made of any Offence or Offences committed against any of the Regulations or Directions contained in this Act, the Penalty or Forfeiture in respect whereof shall not exceed in Amount or Value the Sum of Five Pounds, shall and may be heard by any One Justice of the Peace acting within his Jurisdiction, or by the Chief Magistrate of any Town presiding in his Court in such Town; and for that Purpose such Justice or Magistrate shall and may examine any Person or Persons upon Oath; and in default of the Payment of any such Penalty or Sum of Money as shall be awarded by any such Justice or Chief Magistrate by virtue of this Act upon the hearing of any such Complaint, it shall and may be lawful for such Justice or Chief Magistrate to levy the same by Warrant of Distress under his Hand and Seal, on and off the Goods and Chattels of the Person liable to the Payment of such Penalty or Sum of Money, rendering the Overplus, if any, after Payment of the Costs and Expences of such Distress, to such Person; and in case no sufficient Distress shall be found, then to commit such Person to Gaol or to the House of Correction for any Period not exceeding One Calendar Month, unless such Penalty or Sum of Money shall be sooner paid.

Complaints where Penalty does not exceed 10*l.* may be heard before a Justice or a Chief Magistrate of a Town.

XXXIII. And be it further enacted, That in all Cases where any Sealmaster shall be complained against for having committed any Offence under this Act, if such Sealmaster shall reside more than Five Miles distant from the Place in which such Complaint shall be made, it shall be sufficient if the Summons issued against him to answer such Complaint be proved on Oath to be put into the Post Office of the Town in which such Complaint has been so made, and addressed to such Sealmaster by his Name, Residence, and Occupation; provided such Summons be so put in the Post Office of such Town aforesaid Four Days previous to the Day appointed for the hearing of such Complaint.

Proceedings upon Complaint against Sealmaster.

XXXIV. And be it further enacted, That if any Sealmaster of any One County shall commit any Offence punishable by this Act, and the Piece of Linen in respect whereof such Offence shall have been committed be sold or exposed for Sale and seized in another County, the Complaint made against such Sealmaster shall be heard before, and determined by, and the Penalty levied under the Warrant of any Justice of the Peace of the County in which such Piece of Linen shall be sold, offered for Sale, or seized, as if the Default or Neglect of such Sealmaster in respect of such Piece of Linen had been committed in the County in which such Piece of Linen was seized.

Offence to be tried where the Cloth is seized.

XXXV. And be it further enacted, That any Penalty which shall be awarded and levied, by any Justice of the Peace or Chief Magistrate, in pursuance of the Provisions of this Act shall and may be directed by such Justice or Chief Magistrate to be applied in manner following; (that is to say,) in every Case where the Person preferring the Complaint shall appear to have suffered any Damage, Costs, Loss of Time, or other Injury in the Matter being the Subject of Complaint, any such Penalty shall and may be paid to such Person; or if no Damages, Costs, Loss of Time, or other Injury shall appear to have been sustained by such Person, then such Penalty shall be paid to the Committee appointed in manner herein-

Application of Penalties.

before directed in the County in which the Complaint originated, to be applied by such Committee towards forming a Fund for defraying any Expences in executing the Duties assigned to them by this Act; or it shall and may be lawful for such Justice or Chief Magistrate to direct any Portion of any such Penalty so levied to be paid to the Party aggrieved, and the remaining Portion of such Penalty to be paid to such Committee.

Penalties exceeding 5*l.* and not exceeding 20*l.* recoverable before Assistant Barrister.

Exceeding 20*l.* by Action, &c. in Superior Courts.

Venue to be laid in the County, &c. where Penalties incurred.

Defendant may plead the General Issue.

Commencement of Act.

XXXVI. And be it further enacted, That all Penalties and Forfeitures incurred under any Clause or Article in this Act, exceeding in Amount or Value Five Pounds, and not exceeding in Amount or Value Twenty Pounds, shall and may be sued for and recovered, by any Person who will sue for the same, by Civil Bill before the Assistant Barrister of the County in which the Penalty or Forfeiture shall have been incurred; and that all such Penalties and Forfeitures exceeding in Amount or Value Twenty Pounds shall and may be sued for and recovered, by any Person who will sue for the same, by Suit or Action at Law, or by Bill, Plaint, or Information in any of His Majesty's Courts of King's Bench, Common Pleas, or Exchequer in *Ireland*, wherein no Essoign, Protection, nor Wager of Law, nor more than One Impar lance, shall be allowed; and that in all such Actions, Suits, or Prosecutions which shall be brought or prosecuted for Recovery of such Forfeitures or Penalties, the Venue shall be laid in the County or in the County of the City or the County of the Town wherein such Forfeitures or Penalties were incurred, and in none other.

XXXVII. And be it further enacted, That if any Action or Suit shall be commenced or brought against any Person for doing or causing to be done any Act, Matter, or Thing in pursuance of this Act, the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence; and if upon such Action or in such Suit Judgment shall be given for the Defendant or Defendants, or the Plaintiff or Plaintiffs therein shall become Nonsuit, or discontinue his, her, or their Action or Suit, the Defendant or Defendants therein shall have Double Costs.

XXXVIII. And be it further enacted, That this Act shall commence and take effect from and after the End of this present Session of Parliament, and shall continue and be in force for Two Years, and from thence to the End of the then next Session of Parliament.

## CAP. XXVIII.

An Act for removing Doubts as to the Declaration to be made and Oaths to be taken by Persons appointed to the Office of Sheriff of any City or Town being a County of itself. [21st August 1835.]

9 G. 4. c. 17.

WHEREAS by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification to certain Offices and Employments*, it is enacted that every Person who should thereafter be placed, elected, or chosen in or to the Office of Mayor, Alderman, Recorder, Bailiff, Town Clerk, or Common Councilman, or in or to any Office of Magistracy, or Place,

' Place, Trust, or Employment relating to the Government of any  
 ' City, Corporation, Borough, or Cinque Port within *England* and  
 ' *Wales*, or the Town of *Berwick-upon-Tweed*, should, within One  
 ' Calendar Month next before or upon his Admission into any of  
 ' the aforesaid Offices or Trusts, make and subscribe the Declaration  
 ' therein mentioned; and it is thereby further enacted, that if any  
 ' Person placed, elected, or chosen into any of the aforesaid Offices  
 ' or Places should omit or neglect to make and subscribe the said  
 ' Declaration in manner therein mentioned, such placing, Election,  
 ' or Choice should be void, and that it should not be lawful for such  
 ' Person to do any Act in the Execution of the Office or Place  
 ' into which he should be so chosen, elected, or placed: And whereas  
 ' Doubts have been entertained whether the aforesaid Provisions  
 ' may be held to extend to Persons elected or chosen to the Office  
 ' of Sheriff of any City or Town being a County of itself; and it is  
 ' expedient that such Doubts should be removed: Be it therefore  
 enacted by the King's most Excellent Majesty, by and with the  
 Advice and Consent of the Lords Spiritual and Temporal, and  
 Commons, in this present Parliament assembled, and by the Au-  
 thority of the same, That no Person who has already been or who  
 shall hereafter be elected or chosen to the Office of Sheriff of any  
 City or Town being a County of itself shall by reason thereof be  
 liable to make or subscribe the aforesaid Declaration within One  
 Calendar Month next before or upon his Admission to the said  
 Office: Provided always, that every Person so elected or chosen to  
 the said Office of Sheriff shall take, make, and subscribe, within the  
 Time required by Law, all Oaths and Declarations which Sheriffs  
 of Counties are bound to take, make, and subscribe.

No Person  
 chosen a Sheriff  
 of a City or  
 Town shall  
 thereby be liable  
 to make the  
 Declaration in  
 recited Act.  
 Proviso.

### CAP. XXIX.

An Act for investing in Government Securities a Por-  
 tion of the Cash lying unemployed in the Bank of  
*England* belonging to Bankrupts Estates, and applying  
 the Interest thereon in discharge of the Expences of  
 the Court of Bankruptcy, and for the Relief of the  
 Suitors in the said Court; and for removing Doubts  
 as to the Extent of the Powers of the Court of Review  
 and of the Subdivision Courts. [21st August 1835.]

' **W**HEREAS by an Act passed in the First and Second Years  
 ' of the Reign of His present Majesty, intituled *An Act to*  
 ' *establish a Court in Bankruptcy*, it was enacted, that it should be  
 ' lawful for His Majesty, His Heirs and Successors, to establish a  
 ' Court of Judicature, which should be called "The Court of Bank-  
 ' ruptcy," and to appoint Judges, Commissioners, and other Officers  
 ' of the said Court; and that it should be lawful for the Lord Chan-  
 ' cellor to choose Official Assignees to act in all Bankruptcies pro-  
 ' secuted in the said Court, and to collect the Effects of Bankrupts,  
 ' and to pay the Proceeds thereof into the Bank of *England* to the  
 ' Credit of the Accountant General of the High Court of Chancery  
 ' subject to the Order of the Lord High Chancellor, or the said  
 ' Court or any Judge thereof, as therein mentioned; and it was  
 ' further enacted, that certain Fees and Sums of Money specified in

1 & 2 W. 4. c. 56.



the said Act should be received by the Lord Chancellor's Secretary of Bankrupts, and paid by him into the Bank of *England*, to the Credit of the said Accountant General, to an Account to be intituled "The Secretary of Bankrupts Account," and that there should be paid out of the Monies standing to that Account certain yearly Sums specified in the said Act as and for Salaries to the Judges and other Officers of the said Court for the Time being; and it was further enacted by the said Act, that certain Annuities, the Amount thereof to be ascertained and certified as in the said Act is mentioned, should be respectively paid to the Patentee for the Execution of the Laws and Statutes concerning Bankrupts, to certain Persons then acting as Commissioners of Bankrupt in *London*, and to certain Officers of the Lord Chancellor and of the High Court of Chancery mentioned in the said Act, in lieu of and as Compensation for certain Fees and Emoluments accustomed to be received by them, and which would by the Provisions of the said Act be wholly discontinued and abolished, out of the Monies and Securities standing to an Account to be opened by the said Accountant General, to be intituled "The Secretary of Bankrupts Compensation Account;" and that certain Fees and Sums of Money specified by the said Act should be paid by the said Official Assignees into the Bank of *England* to the Credit of the said Accountant General, to be carried to the said Accounts respectively: And whereas His Majesty did, by virtue and in pursuance of the said Act, establish the said Court of Bankruptcy, and did appoint Judges and Commissioners and Registrars and Deputy Registrars of the said Court: And whereas Official Assignees have been chosen by the Lord Chancellor to act in Bankruptcies as aforesaid: And whereas the Amount of certain Annuities have been duly ascertained and certified in pursuance of the said Act, to be due and payable to the Persons therein mentioned, in lieu of the Fees and Emoluments aforesaid: And whereas an Account has been opened in the Bank of *England* by the said Accountant General, intituled "The Secretary of Bankrupts Account," and another Account has been opened in the Bank of *England* by the said Accountant General, intituled "The Secretary of Bankrupts Compensation Account": And whereas the said Official Assignees have paid into the Bank of *England* in the Name of the said Accountant General divers large Sums of Money, which have been placed to the Credit of the several Bankrupts Estates: And whereas there now is and has been for a long Time a very large Sum of Money belonging to Bankrupts Estates, or to Suitors in Matters of Bankruptcy, standing in the Name of the said Accountant General, which lies dead and unemployed in the said Bank of *England*: And whereas it was necessary for the said Accountant General to appoint certain Persons to act as Clerks in the Performance and Execution of the Duties imposed upon him by the said Act; but no Provision is made by the said Act for the Salaries of the said Clerks and the other Expences necessarily incident to the Performance of the said Duties, other than out of certain Fees directed to be paid to the Chief Registrar of the said Court: And whereas the Business arising from the Duties imposed upon the said Accountant General by the said Act is gradually increasing, and the present

Establishment

‘ Establishment of Clerks is likely to become inadequate to transact  
 ‘ the same with that Accuracy and Despatch which is necessary for  
 ‘ the Public Service: And whereas the Payment of the Fees au-  
 ‘ thorized by the said Act, or a Part thereof, will become unnecessary,  
 ‘ and the same may be discontinued if another Fund is provided for  
 ‘ the Payments now made out of the said Fees by the Authority  
 ‘ of the said Act:’ Be it therefore enacted by the King’s most  
 Excellent Majesty, by and with the Advice and Consent of the  
 Lords Spiritual and Temporal, and Commons, in this present Par-  
 liament assembled, and by the Authority of the same, That out of  
 the Cash belonging to the Estates of Bankrupts, or to Suitors in  
 Matters of Bankruptcy, that now lies or shall hereafter lie dead and  
 uninvested on Securities in the Bank of *England*, in the Name of the  
 said Accountant General, or of the Accountant in Bankruptcy  
 hereafter mentioned, any Sum or Sums not exceeding in the whole  
 the Sum of Three hundred thousand Pounds shall and may, by  
 virtue of any Order or Orders of the Lord High Chancellor to be  
 made for that Purpose, from Time to Time be placed out in One  
 entire Sum or in Parcels, in the Name of the said Accountant Ge-  
 neral or of the said Accountant in Bankruptcy, after the Appoint-  
 ment of the said last-mentioned Accountant, on such Government  
 or Parliamentary Securities as in and by such Order or Orders shall  
 be directed; and such Securities shall be carried to an Account to  
 be intitled “ The Bankruptcy Fund Account,” subject to such  
 Rules and Orders as the Lord High Chancellor shall think fit to  
 prescribe for the Purposes herein mentioned.

Part of the  
 Money in the  
 Bank belonging  
 to Bankrupts  
 Estates to be  
 carried to an  
 Account to be  
 called “ The  
 Bankruptcy  
 Fund Ac-  
 count.”

II. ‘ And whereas the Monies and Securities standing to the  
 ‘ Credit of the said Account, intituled “ The Secretary of Bank-  
 ‘ rupts Compensation Account,” were in the Month of *August*  
 ‘ One thousand eight hundred and thirty-four found inadequate to  
 ‘ meet the several Payments then due and payable thereout, and the  
 ‘ Sum of Two thousand four hundred Pounds was, on Application  
 ‘ to the Lords Commissioners of His Majesty’s Treasury, then  
 ‘ advanced and paid by them, through the Lord Chancellor’s Secre-  
 ‘ tary of Bankrupts, into the Bank of *England* to the Credit of the  
 ‘ said Account, for the Purpose of enabling the several Payments  
 ‘ then due to be paid and discharged to the Parties entitled thereto;  
 ‘ but no Power or Authority exists under the Provisions of the said  
 ‘ first-recited Act, or otherwise, for the Repayment of such Sum out  
 ‘ of the Monies and Securities standing to the Credit of the said  
 ‘ Account;’ be it therefore enacted, That it shall be lawful for the  
 Lord High Chancellor to order that the said Sum of Two thousand  
 four hundred Pounds so advanced and paid by the Lords Commis-  
 sioners of His Majesty’s Treasury to the Credit of the said Account,  
 intituled “ The Secretary of Bankrupts Compensation Account,”  
 shall be repaid out of the Monies and Securities which now are or  
 hereafter may be standing to the Credit of such Account, and the same  
 shall be repayable and repaid accordingly, and until so repaid be con-  
 sidered a Charge on such Account; any thing in the said first-recited  
 or other Act or Acts contained to the contrary notwithstanding.

Sum advanced  
 to Credit of  
 Bankrupts  
 Compensation  
 Account to be  
 repaid by Order  
 of Lord Chan-  
 cellor.

III. ‘ And whereas from the increased Amount of the Funds  
 ‘ belonging to Bankrupts Estates, and the large Number of Accounts  
 ‘ to which such Funds belong, and which are daily augmenting, it  
 ‘ appears that such Funds and such Accounts cannot be properly

Lord Chan-  
 cellor to ap-  
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the said Act should be received by the Lord Chancellor's Secretary of Bankrupts, and paid by him into the Bank of *England*, to the Credit of the said Accountant General, to an Account to be intituled "The Secretary of Bankrupts Account," and that there should be paid out of the Monies standing to that Account certain yearly Sums specified in the said Act as and for Salaries to the Judges and other Officers of the said Court for the Time being; and it was further enacted by the said Act, that certain Annuities, the Amount thereof to be ascertained and certified as in the said Act is mentioned, should be respectively paid to the Patentee for the Execution of the Laws and Statutes concerning Bankrupts, to certain Persons then acting as Commissioners of Bankrupt in *London*, and to certain Officers of the Lord Chancellor and of the High Court of Chancery mentioned in the said Act, in lieu of and as Compensation for certain Fees and Emoluments accustomed to be received by them, and which would by the Provisions of the said Act be wholly discontinued and abolished, out of the Monies and Securities standing to an Account to be opened by the said Accountant General, to be intituled "The Secretary of Bankrupts Compensation Account;" and that certain Fees and Sums of Money specified by the said Act should be paid by the said Official Assignees into the Bank of *England* to the Credit of the said Accountant General, to be carried to the said Accounts respectively: And whereas His Majesty did, by virtue and in pursuance of the said Act, establish the said Court of Bankruptcy, and did appoint Judges and Commissioners and Registrars and Deputy Registrars of the said Court: And whereas Official Assignees have been chosen by the Lord Chancellor to act in Bankruptcies as aforesaid: And whereas the Amount of certain Annuities have been duly ascertained and certified in pursuance of the said Act, to be due and payable to the Persons therein mentioned, in lieu of the Fees and Emoluments aforesaid: And whereas an Account has been opened in the Bank of *England* by the said Accountant General, intituled "The Secretary of Bankrupts Account," and another Account has been opened in the Bank of *England* by the said Accountant General, intituled "The Secretary of Bankrupts Compensation Account": And whereas the said Official Assignees have paid into the Bank of *England* in the Name of the said Accountant General divers large Sums of Money, which have been placed to the Credit of the several Bankrupts Estates: And whereas there now is and has been for a long Time a very large Sum of Money belonging to Bankrupts Estates, or to Suitors in Matters of Bankruptcy, standing in the Name of the said Accountant General, which lies dead and unemployed in the said Bank of *England*: And whereas it was necessary for the said Accountant General to appoint certain Persons to act as Clerks in the Performance and Execution of the Duties imposed upon him by the said Act; but no Provision is made by the said Act for the Salaries of the said Clerks and the other Expences necessarily incident to the Performance of the said Duties, other than out of certain Fees directed to be paid to the Chief Registrar of the said Court: And whereas the Business arising from the Duties imposed upon the said Accountant General by the said Act is gradually increasing, and the present Establishment

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 Lords Spiritual and Temporal, and Commons, in this present Par-  
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 the Cash belonging to the Estates of Bankrupts, or to Suitors in  
 Matters of Bankruptcy, that now lies or shall hereafter lie dead and  
 uninvested on Securities in the Bank of *England*, in the Name of the  
 said Accountant General, or of the Accountant in Bankruptcy  
 hereafter mentioned, any Sum or Sums not exceeding in the whole  
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 made for that Purpose, from Time to Time be placed out in One  
 entire Sum or in Parcels, in the Name of the said Accountant Ge-  
 neral or of the said Accountant in Bankruptcy, after the Appoint-  
 ment of the said last-mentioned Accountant, on such Government  
 or Parliamentary Securities as in and by such Order or Orders shall  
 be directed; and such Securities shall be carried to an Account to  
 be intituled “The Bankruptcy Fund Account,” subject to such  
 Rules and Orders as the Lord High Chancellor shall think fit to  
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 ‘ rupts Compensation Account,” were in the Month of *August*  
 ‘ One thousand eight hundred and thirty-four found inadequate to  
 ‘ meet the several Payments then due and payable thereout, and the  
 ‘ Sum of Two thousand four hundred Pounds was, on Application  
 ‘ to the Lords Commissioners of His Majesty’s Treasury, then  
 ‘ advanced and paid by them, through the Lord Chancellor’s Secre-  
 ‘ tary of Bankrupts, into the Bank of *England* to the Credit of the  
 ‘ said Account, for the Purpose of enabling the several Payments  
 ‘ then due to be paid and discharged to the Parties entitled thereto;  
 ‘ but no Power or Authority exists under the Provisions of the said  
 ‘ first-recited Act, or otherwise, for the Repayment of such Sum out  
 ‘ of the Monies and Securities standing to the Credit of the said  
 ‘ Account;’ be it therefore enacted, That it shall be lawful for the  
 Lord High Chancellor to order that the said Sum of Two thousand  
 four hundred Pounds so advanced and paid by the Lords Commis-  
 sioners of His Majesty’s Treasury to the Credit of the said Account,  
 intituled “The Secretary of Bankrupts Compensation Account,”  
 shall be repaid out of the Monies and Securities which now are or  
 hereafter may be standing to the Credit of such Account, and the same  
 shall be repayable and repaid accordingly, and until so repaid be con-  
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Sum advanced  
 to Credit of  
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 Account to be  
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 ‘ belonging to Bankrupts Estates, and the large Number of Accounts  
 ‘ to which such Funds belong, and which are daily augmenting, it  
 ‘ appears that such Funds and such Accounts cannot be properly

Lord Chan-  
 cellor to ap-  
 point Account-  
 ant in Bank-  
 ruptcy.

‘ protected and managed by the said Accountant General of the  
 ‘ High Court of Chancery, and it is expedient therefore that an  
 ‘ Officer experienced in and conversant with the Mode of keeping  
 ‘ Accounts, to be called “ The Accountant in Bankruptcy,” shall  
 ‘ be forthwith appointed to superintend and control the Care and  
 ‘ Management of the said Funds;’ be it therefore enacted, That it  
 shall be lawful for the Lord High Chancellor for the Time being to  
 nominate from Time to Time as Occasion may require some fit and  
 proper Person to be the Accountant in Bankruptcy; which Officer  
 so to be appointed shall hold his Office during good Behaviour,  
 notwithstanding the Demise of His Majesty, or any of His Heirs  
 or Successors: Provided always, that it shall be lawful for the Lord  
 High Chancellor by any Order to remove any such Officer for some  
 sufficient Reason to be in such Order expressed.

Bankrupts  
 Estates to be  
 transferred into  
 the Name of the  
 Accountant in  
 Bankruptcy.

IV. And be it further enacted, That at any Time after the  
 Appointment of the said Accountant in Bankruptcy it shall and  
 may be lawful for the Lord High Chancellor, by any general or  
 other Order or Orders, to direct that the Whole or any Part of the  
 Cash, Funds, or Securities belonging to Bankrupts Estates or to  
 Suitors in Matters of Bankruptcy, and then standing in the Name  
 or to the Credit of the said Accountant General of the High Court  
 of Chancery at the Bank of *England*, to the Credit of any Bank-  
 rupt’s Estate, or of any Assignee or Assignees of such Estate, or  
 in the Matter of any Bankruptcy, be forthwith paid and transferred  
 into the Name and to the Credit of the said Accountant in Bank-  
 ruptcy; and all such Payments or Transfers as now are or heretofore  
 have been made into the Bank in the Name or to the Credit of the  
 Accountant General of the High Court of Chancery in Matters of  
 Bankruptcy shall, from and after the Appointment of the said Ac-  
 countant in Bankruptcy, be made in the Name or to Credit of the  
 said Accountant in Bankruptcy; and all Cash, Funds, or Securities  
 to be so paid or transferred as aforesaid shall be subject to such  
 and the like Provisions, Regulations, Rules, and Orders as the same  
 are or would have been subject to if paid or transferred in the  
 Name or to the Credit of the said Accountant General of the Court  
 of Chancery, except as the same may be altered by this Act, or any  
 Rule or Order to be made by the Lord High Chancellor in respect  
 of the same.

So much of  
 6 G. 4. c. 16. as  
 directs the  
 filing of the  
 Certificate, and  
 the Investment,  
 &c. of unclaim-  
 ed Dividends,  
 repealed.

V. ‘ And whereas by an Act passed in the Sixth Year of the  
 ‘ Reign of His late Majesty King *George* the Fourth, intituled  
 ‘ *An Act to amend the Laws relating to Bankrupts*, it is amongst  
 ‘ other Things enacted, that the Assignees shall file a Certificate in  
 ‘ the Office of the Lord Chancellor’s Secretary of Bankrupts, con-  
 ‘ taining an Account of the Names of Creditors to whom unclaimed  
 ‘ Dividends are due, and of the Amount of such Dividends; and  
 ‘ Power is thereby given for the Investment of such Dividends;  
 ‘ and after the Expiration of Three Years the Lord Chancellor is  
 ‘ empowered to order the same to be divided amongst and paid to  
 ‘ the other Creditors in manner therein mentioned;’ be it enacted,  
 That so much of the said Act as directs the filing of the said Cer-  
 tificate, and the Investment, Division, and Payment of such un-  
 claimed Dividends, be and the same is hereby repealed.

Unclaimed  
 Dividends to be  
 paid into the

VI. And be it further enacted, That all Dividends unclaimed  
 as herein-after mentioned, and also any undivided Surplus of a  
 Bankrupt’s

Bankrupt's Estate, over and above the Amount finally directed to be divided amongst the Creditors of any Bankrupt, shall be paid into the Bank of *England* to the Credit of the Accountant General of the High Court of Chancery, or of the Accountant in Bankruptcy, when such last-mentioned Officer shall have been appointed, to be carried to an Account to be intitled "The Unclaimed Dividend Account," subject to the Order of the Lord High Chancellor, or of the Court of Review in Bankruptcy, or of any Commissioner of the said Court, for the Payment thereof of any Dividend or Dividends due to any Creditor or Creditors, and subject also to the Order of the Lord Chancellor for the laying out and Investment thereof in the Purchase of Government or Parliamentary Securities, which Securities shall be carried to the before-mentioned Account to be intitled "The Bankruptcy Fund Account," and shall be subject to such Rules and Regulations as the said Lord Chancellor shall direct: Provided always, that any Order of any Commissioner for Payment of any Dividend, under the Provisions aforesaid, shall be subject to Appeal to the said Court of Review.

VII. And be it further enacted, That if any Assignee under any Commission of Bankrupt or Fiat in Bankruptcy now issued or hereafter to be issued shall have, either in his own Hands, or at any Bankers, or otherwise subject to his Order or Disposition, or shall know that there is or are in the Hands or subject to the Order and Disposition of himself and any Co-assignee or Co-assignees, or of any or either of them, any unclaimed Dividend or Dividends amounting in the whole to the Sum of Twenty Pounds, or any such undivided Surplus as aforesaid amounting to the Sum of Twenty Pounds, such Assignee shall, as to any such now existing unclaimed Dividend or Dividends, within One Year after the passing of this Act, and as to any future Dividend or Dividends within Three Calendar Months next after the Expiration of One Year from the Time of the Declaration and Order of Payment of such future Dividend or Dividends, either pay the same to the Creditor or Creditors or other the Person or Persons entitled to the same respectively, or cause a Certificate thereof respectively to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts, containing a full and true Account of the Name or Names of the Creditor or Creditors to whom such unclaimed Dividend or Dividends is or are respectively due, and of the Amount of such Dividend or Dividends respectively; and shall in like Manner, as to any such now existing undivided Surplus as aforesaid, within One Year after the passing of this Act, and as to any such future undivided Surplus as aforesaid within Three Calendar Months next after the Expiration of One Year after the final Declaration of Dividends, cause a Certificate stating the full and true Amount of such Surplus to be filed in the Office of the said Secretary of Bankrupts; and every Certificate to be filed as aforesaid shall be signed by the Assignee or Assignees filing the same; and every Assignee who shall, according to the Provisions of this Act, be bound to file such Certificate as aforesaid, and who shall make default in filing the same, shall be charged, in Account with the Estate of the Bankrupt, with Interest upon the Amount of such unclaimed Dividend or Dividends or undivided Surplus as aforesaid, to be computed from the Time at which such Certificate is hereby

Bank to the Credit of Accountant General, or, when appointed, to the Accountant in Bankruptcy.

How unclaimed Dividends, &c. in the Hands of Assignees to be disposed of.

heredy required to be filed, at the Rate of Five Pounds *per Centum per Annum*, for such Time as he shall thenceforth, either solely or together with any Co-assignee or Co-assignees, or other Person or Persons, retain such Dividend or Dividends or undivided Surplus, as the Case may be, and also with such further Sum as the Lord Chancellor or the Court of Review shall direct, not exceeding in the whole at the Rate of Twenty Pounds *per Centum per Annum*, to be computed from the Time aforesaid; and every Assignee shall, within One Year next after the filing of any such Certificate as aforesaid, pay or cause to be paid into the Bank of *England* to the Name of the Accountant General of the High Court of Chancery, or of the Accountant in Bankruptcy, when such last-mentioned Officer shall have been appointed, to be carried to the said Account to be intituled "The Unclaimed Dividend Account," the full Amount of the unclaimed Dividends mentioned in such Certificate, or so much thereof as shall not have been then paid to the Creditor or Creditors or other Person or Persons entitled thereto, and also the full Amount of such undivided Surplus as aforesaid; and if any Assignee shall make default in such Payment it shall be lawful for the Lord Chancellor or the said Court of Review, on Petition or otherwise, to order that such Sum or Sums be forthwith paid into the Bank of *England* in manner aforesaid, together with such further Sum to be charged on such Assignee or Assignees, or other Party or Parties personally, as to the said Lord Chancellor or to the said Court may seem fit, not exceeding at and after the Rate of Twenty Pounds *per Centum per Annum* on the Sum or Sums so withheld, to be computed from the filing of such Certificate up to the Time of Payment of such Sum or Sums, and also to make such further Order as to Costs as the Justice of the Case shall seem to require: Provided always, that no such Certificate as aforesaid of any unclaimed Dividend or Dividends shall be filed until the Expiration of One Year after the Declaration and Order for Payment of such Dividend or Dividends.

Certificates to be given to Assignees, on Production of which Bank of *England* shall receive the Sums therein mentioned, and give Receipts for the same.

VIII. And be it further enacted, That the said Accountant General in Chancery or the said Accountant in Bankruptcy, as the Case may be, shall, on the Application of any Assignee or Assignees, give to him or them a Certificate or Certificates stating the Amount of any Sum or Sums of Money which he or they may be desirous of paying into the Bank of *England* under the Provisions aforesaid; and on the Production of such last-mentioned Certificate or Certificates the Governor and Company of the Bank of *England* shall receive the Sum or Sums therein mentioned, and give a Receipt or Receipts for the same, and shall forthwith carry the same to the Credit of the said Accountant General or the Accountant in Bankruptcy, as the Case may be, to the said Account intituled "The Unclaimed Dividend Account;" and every such Certificate and Receipt shall be given without Fee or Reward.

Interest to be received by the Governor and Company of the Bank.

IX. And be it further enacted, That the Interest and Dividends of all the Securities to be purchased under the Authority of this Act shall from Time to Time be received by the Governor and Company of the Bank of *England*, and be carried to an Account to be intituled "Interest arising from the Bankruptcy Fund Account," to the Credit of the Accountant General in Chancery or the Accountant in Bankruptcy, as the Circumstances may require.

X. And

X. And be it further enacted, That out of the Interest and Dividends of the Government or Parliamentary Securities to be purchased under the Authority of this Act, and out of the Interest and Dividends of any Government or Parliamentary Securities to be hereafter purchased and placed to the said Account to be intituled "The Bankruptcy Fund Account," there shall be paid by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders of the Lord Chancellor to be made for that Purpose, to the said Accountant in Bankruptcy, such Salary or yearly Sum as the Lord High Chancellor may by any Order or Orders direct, not exceeding the yearly Sum of Eight hundred Pounds, and also to the Clerks of the said Accountant in Bankruptcy such Sums by way of Salary as the Lord Chancellor shall by Order direct, and also any further Sum to the said Accountant in Bankruptcy which may be necessary or expedient to defray the Expences of Stationery, and other necessary Expences of the said Accountant, if any, to be by him incurred in discharge of the Duties imposed upon him by this Act; such several Salaries or yearly Sums before mentioned to be paid quarterly, free of Charges; the first quarterly Payment to the Accountant in Bankruptcy for the Time being to commence from the Day of his Appointment, and as to the said Clerks to commence from the Eleventh Day of *January* One thousand eight hundred and thirty-five, or from such other Day as may in any such Order be specified: Provided always, that nothing herein-before contained shall authorize the Lord Chancellor to order the Payment in any One Year of any Sum exceeding the Sum of One thousand Pounds for the Payment of the Salaries of the said Clerks, and the Discharge of such Expences of Stationery and other incidental Expences as aforesaid.

Salaries and other Expences to be paid out of the same by Direction of the Lord Chancellor.

XI. And be it further enacted, That it shall and may be lawful to and for the Lord High Chancellor, upon the Requisition of the said Accountant in Bankruptcy for that Purpose, to appoint One or more, not exceeding Five, Persons to be Clerks to the said Accountant, and to order such yearly Salaries as aforesaid to be paid to them.

Lord Chancellor may appoint additional Clerks, if necessary.

XII. And be it enacted, That the Salaries herein-before provided shall be in lieu of all Fees and Emoluments whatsoever; and that all such Fees and Emoluments, whether for Commission, Brokerage, or otherwise, as are now receivable by the said Accountant General of the Court of Chancery in Matters of Bankruptcy, shall, from and after the Appointment of the said Accountant in Bankruptcy, be received by him, and paid into the Bank in the Name of the said last-mentioned Accountant, and be carried to the Credit of the said Account to be intituled "Interest arising from the Bankruptcy Fund Account," and be applicable to all the Purposes of the said Account.

Accountant not to retain Fees.

XIII. And whereas *Charles Elley*, the Chief Clerk in the Office of the Lord Chancellor's Secretary of Bankrupts, is now of the Age of Seventy Years and upwards, and has been upwards of Fifty Years in the above Office, and from Rheumatism and other bodily Infirmities is become incapable of giving full Attendance so as effectually to discharge the Duties of the said Office, and the Emoluments of his said Office were very much reduced by the Operation of the said first-recited Act, and the said *Charles Elley*

Retiring Allowance to *Charles Elley*.



‘ is desirous to be allowed to retire from the said Office by reason of such Infirmities;’ be it therefore enacted, That it shall and may be lawful for the Lord High Chancellor, upon the Retirement or Removal from his said Office of the said *Charles Elley*, to order and direct that there shall be paid to him during his Life such annual Sum not exceeding Four hundred Pounds *per Annum* as to the said Lord Chancellor shall seem fit, such annual Sum to commence on the Retirement or Removal of the said *Charles Elley* as aforesaid, and be payable at such Time or Times as the said Lord Chancellor shall direct; which said annual Sum shall be chargeable upon and payable out of the said Account intituled “ The Secretary of Bankrupts Compensation Account.”

Lord Chancellor may direct Interest from Securities to be carried to the Secretary of Bankrupts Account.

XIV. And be it further enacted, That it shall be lawful for the said Lord High Chancellor, by any Order or Orders to be by him from Time to Time made for that Purpose, to order and direct that all or any Part of the Interest and Dividends to be carried to the said Account to be intituled “ Interest arising from the Bankruptcy Fund Account ” may be carried over to the said Accounts respectively intituled “ The Secretary of Bankrupts Account ” and “ The Secretary of Bankrupts Compensation Account,” or either of them, and that the same may be applied in Payment or in part Satisfaction of the annual and other Sums now or hereafter to be chargeable upon and made payable out of the Sums directed to be carried to the said last-mentioned Accounts or either of them, and also to direct that the Salaries and other Sums by the said first-recited Act directed to be chargeable upon or payable out of the Fees by the said Act directed to be paid to the Chief Registrar of the Court of Bankruptcy may be paid out of the said Interest and Dividends, as the said Lord High Chancellor shall in his Discretion see fit, so that the Salaries and other Expences of the said Court being provided for out of the Interest and Dividends to be raised as aforesaid, the Fees and other Sums by the said Act directed to be paid may be abolished or reduced as the said Lord High Chancellor may find himself from Time to Time enabled to abolish or reduce the same.

Salaries to be paid on such Days as the Chancellor shall direct.

XV. And be it further enacted, That it shall and may be lawful to and for the said Lord High Chancellor, by any Order or Orders, to direct that all and every or any of the Salaries by this Act, or the Annuities by way of Compensation by the said first-recited Act, made payable, or any Part of any such Salary or Annuity, shall and may be paid respectively on such Days and by such yearly or other Payments as in the said Order or Orders shall be specified; and in case of the Death, Resignation, or Removal of any of the Officers or Persons entitled to Salaries or Annuities as aforesaid, by the same or other Order or Orders to direct that the Proportion of any Salary or Annuity payable as aforesaid which may become due to any Officer or Person as aforesaid between the Time to which any such Salary or Annuity may have been then last paid or payable and the Time of any such Death, Resignation, or Removal, shall be paid to the said Officer or other Person so resigning or being removed, his Executors, Administrators, or Assigns, or to the Executors or Administrators of any Officer or other such Person so dying.

XVI. And

XVI. And be it further enacted, That if at any Time hereafter the Whole or any Part of the Money placed out in pursuance of this Act shall be wanted to answer any of the Demands due in respect of the said Bankrupts Estates, then and in such Case the said Lord High Chancellor may and shall direct the Whole or any Part of the Securities in which the same may be placed to be sold and disposed of, and the Money arising from such Sale to be paid into the Bank of *England* in the Name of the said Accountant General in Chancery or the Accountant in Bankruptcy, in such Manner as the said Lord Chancellor shall direct, in order that the Demands due in respect of the said Bankrupts Estates may at all Times be fully paid out of the common and general Cash belonging to such Estates.

If the Fund is not sufficient at any Time, then the Securities to be sold.

XVII. And be it further enacted, That it shall be lawful for the Lord High Chancellor, by any Order or Orders, to authorize the Change of the Securities to be purchased pursuant to this Act, or any Part of the same.

Securities purchased may be changed.

XVIII. And to the end that no Suitor or Suitors of the said Court of Bankruptcy may be delayed in payment of any Money due to him, her, or them, but that every one may receive his or her full Demand whensoever he or she shall apply for the same, in the most easy and expeditious Way; be it enacted, That all the Money and Cash now deposited in the Bank, or that shall at any Time hereafter be paid into or deposited in the Bank, on the Account of Bankrupts Estates or in any Matter of Bankruptcy, shall be and be accounted and taken to be one common and general Cash, and shall be promiscuously issued and issuable for the answering, paying, and clearing the Debts and Demands thereon.

Cash in the Bank belonging to Bankrupts Estates to be one common and general Cash.

XIX. And be it further enacted, That out of the Interest and Dividends of the said Government or Parliamentary Securities to be purchased as aforesaid the Costs, Charges, and Expences of all Proceedings to be had under this Act shall be paid by the Governor and Company of the Bank of *England* by virtue of any Order of the said Lord High Chancellor.

Expences of Proceedings under this Act to be paid out of the Fund.

XX. Provided always, and be it further enacted, That if at any Time hereafter the Whole or any Part of the Money to be laid out in pursuance of this Act shall be wanted to answer the Demand of any Bankrupts or their Creditors or other Persons interested therein, and the Stocks, Funds, and Cash then standing in the Name of the said Accountant General in Chancery or the Accountant in Bankruptcy to the several Accounts before mentioned and created by this Act, or either of them, shall not be sufficient to answer and satisfy the said Demands, then the same Money taken for the Purposes and by virtue of this Act shall be and shall be considered a Debt due from the Public, and to such Extent as may be necessary shall be answered and made good by Parliament accordingly.

If Money not sufficient for the Purposes of this Act, the same to be made good by Parliament.

XXI. And whereas by the firstly herein-before recited Act it is enacted that there shall be a Chief Judge and Three other Judges of the said Court of Bankruptcy, and that there shall be Two Registrars and Eight Deputy Registrars of the said Court: And whereas a Vacancy having occurred by the Death of One of such Judges, such Vacancy has not been supplied, and it appears that the Duties of the said Court may be effectually performed

Court in future to consist of One Chief Judge and Two Judges.

by

In the Event of Death or Removal of a Registrar, Vacancy to be supplied by Deputy Registrar acting under him.

‘ by the Chief Judge and Two other Judges;’ be it therefore enacted, That hereafter there shall be only Two Judges of the said Court other than the Chief Judge; and it also appearing that upon the Appointment hereby authorized being made of an Accountant in Bankruptcy, Part of the Duties now performed by the Chief Registrar of the said Court may be discharged by such Accountant, so that the Duties now performed by the Two Registrars and the Two Deputy Registrars not attached to the Commissioners of the said Court may be discharged by Two Registrars and One Deputy Registrar; be it therefore enacted, That as and when any Vacancy may occur by the Death, Removal, or Retirement of any one of the said Registrars, such Vacancy shall be supplied by the Deputy Registrar acting under the Registrar by whose Death, Removal, or Retirement such Vacancy shall occur; and that when any Vacancy shall occur by the Death, Removal, or Retirement of either of the said Two last-mentioned Deputy Registrars, such Vacancy shall not be supplied so as to provide altogether for more than Two such Registrars and One such Deputy Registrar, other than the Six Deputy Registrars attached to the Commissioners aforesaid; and it shall be lawful for the Court of Review, when and as any such Vacancy shall occur, to make such general Orders as to the Duties to be performed by such Registrars and Deputy Registrar as they shall think fit.

Annual Returns to Parliament.

XXII. And be it enacted, That within Two Months from the First Day of *January* in every Year Returns shall be presented to Parliament if then sitting, and if not, then within One Month after Parliament shall have assembled, by the said Accountant General of the Court of Chancery or the Accountant in Bankruptcy (as the Case may be), of the net Amounts at the Credit of the said Accountant on the said First Day of *January* on each of the following distinct Accounts, which Returns shall respectively specify the Amount transferred and paid out as Dividends, and the Amount paid by Orders of Court or of the Judges, and shall also show the unappropriated Balance then existing on each Account; *videlicet*, First, The Bankruptcy Fund Account; Second, The Interest arising from the Bankruptcy Fund Account; Third, The Unclaimed Dividend Account; Fourth, The Secretary of Bankrupts Account; Fifth, The Secretary of Bankrupts Compensation Account; the Fourth and Fifth of such Accounts to have Appendixes attached to them, detailing all Payments made from such Accounts, and to whom made, and whether as Salaries, Compensations, or other Allowances.

Mode of forming Subdivision Courts in case of Nonattendance of any Commissioners of the Division to which Cause is referred.

XXIII. ‘ And whereas by the said first-recited Act it is enacted; ‘ that the Six Commissioners therein mentioned may be formed ‘ into Two Subdivision Courts, consisting of Three Commissioners ‘ for each Court, for the Purposes therein mentioned; and that all ‘ References and Adjournments by a single Commissioner to a ‘ Subdivision Court by virtue of the said Act shall be to the Sub- ‘ division Court to which he belongs, unless the said Commissioner, ‘ in case of the Sickness of some One or more of the Commis- ‘ sioners of such Subdivision Court, or for other sufficient Cause; ‘ shall think fit otherwise to direct;’ be it enacted, That in case of the Non-attendance of any One or more of the Commissioners of either of the said Subdivision Courts, to be duly summoned for that

Purpose, the Reference shall not be of Necessity to the other Subdivision Court, but it shall and may be lawful for the remaining Commissioner or Commissioners of such Subdivision Court to call in and require the Attendance of either or any of the Commissioners of the other of the said Subdivision Courts, and that such Commissioners may form a Subdivision Court for the Purposes of the said recited Act as fully and effectually as either of the Two Subdivision Courts so now authorized to be formed as aforesaid.

XXIV. And be it enacted, That the said Court of Review and either of the said Subdivision Courts, and also any Judge or Commissioner of the Court of Bankruptcy, shall have Power to administer Oaths on Affidavits to be sworn before them respectively in Matters of Bankruptcy in all Cases where the same may be administered by a Master in Ordinary or Extraordinary of the High Court of Chancery, and to take for every such Oath, except where such Oath shall be administered to an Affidavit entitled in the Court of Bankruptcy or in the Court of Review, the Fee of One Shilling and Sixpence, which said Fee shall be payable and paid accordingly; and that all such Fees shall be accounted for and paid over to the Chief Registrar of the said Court of Bankruptcy, and be carried to the Account of the Second Schedule of Fees annexed to the said first-recited Act, and be applied to the Purposes of the said Schedule.

XXV. And whereas Doubts have been entertained whether, by the Terms of the said first-recited Act, the said Court of Review and Subdivision Courts have been effectually made Courts of Record; and whether the said Courts have upon an Examination before them the same Powers of Commitment for the Purpose of enforcing Discovery as were vested in Commissioners of Bankrupt under the Acts of Parliament relating to Bankrupts in force at the Time of the passing of the said first-recited Act; and it is expedient that such Doubts be removed, and that such Powers as are herein-after mentioned should be given to the several Judges and Commissioners acting under the Authority of the said first-recited Act; be it enacted, and it is hereby declared, That the said Court of Review and the said several Subdivision Courts respectively shall henceforth be, and shall be deemed and taken from and after the passing of the said first-recited Act to have been, Courts of Record, and shall and may have and exercise all such Powers of Commitment as were vested in Commissioners of Bankrupt acting as such at the Time of the passing of the said first-recited Act, and shall and may have, use, and exercise all the Powers, Rights, Privileges, and Incidents of a Court of Record, as fully to all Intents and Purposes as the same are used, exercised, and enjoyed by any of His Majesty's Courts of Law at *Westminster*; and all Orders heretofore pronounced and all Acts done by the said Court of Review and Subdivision Courts respectively shall be deemed and taken to have been pronounced and done by the said Courts respectively as Courts of Record; and every Judge or Commissioner appointed or to be appointed by virtue of the said first-recited Act sitting alone and acting in execution of the Duties imposed upon him as such Judge or Commissioner shall have, use, exercise, and enjoy all the Powers, Rights, Privileges, and Exemptions of a Court of Record: Provided always, that nothing herein contained

Power given to Courts to administer Oaths on Affidavits.

Fees.

Court of Review and Subdivision Courts declared to have been Courts of Record from the passing of 1 & 2 W. 4. c. 56.

contained shall be deemed or taken to authorize or empower any such Judge or Commissioner sitting alone to impose any Fine or commit for a Contempt of Court, but every Contempt of any such Judge or Commissioner sitting alone and acting as aforesaid shall be cognizable by the said Court of Review, to which the same may be referred by any such Judge or Commissioner as aforesaid; and the said Court of Review shall have full Power to deal with the same as a Contempt of the said Court of Review: Provided also, that nothing herein contained shall be deemed or taken to diminish or affect the Power by the said first-recited Act given to any such Judge or Commissioner of committing any Person examined before him to any Messenger or other Officer of the Court of Bankruptcy.

As to the Exercise of the Powers given by this Act.

XXVI. And be it further enacted, That the Powers and Authorities given by this Act to the Lord High Chancellor shall and may be exercised in like Manner and are hereby given to the Lord Keeper or Lords Commissioners for the Custody of the Great Seal respectively for the Time being.

Act may be altered in present Session. Public Act.

XXVII. And be it further enacted, That this Act may be altered, varied, or repealed by any Act to be passed in this Session.

XXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

### CAP. XXX.

465 Vc 39 & 28  
An Act for protecting the Revenues of vacant Ecclesiastical Dignities, Prebends, Canonries, and Benefices without Cure of Souls, and for preventing the Lapse thereof, during the pending Inquiries respecting the State of the Established Church in *England* and *Wales*.

[21st August 1835.]

‘ WHEREAS His Majesty was pleased, on the Fourth Day of  
‘ *February* last, to issue a Commission to certain Persons  
‘ therein named for considering the State of the Established Church  
‘ in *England* and *Wales* with reference to Ecclesiastical Duties  
‘ and Revenues, which Commission has since been renewed, and  
‘ such renewed Commission is now in force, and the Inquiries thereby  
‘ directed are now in progress, and some Time must elapse before  
‘ the same can be brought to a Termination: And whereas His  
‘ Majesty has been graciously pleased to signify, that, in order to  
‘ promote the important Objects of the said Commission, it is His  
‘ Majesty’s Intention to defer any Nomination to any vacant Dignity,  
‘ Prebend, Canonry, or Benefice without Cure of Souls which may  
‘ be in the Patronage of the Crown until the Circumstances connected  
‘ therewith shall have undergone the Consideration of the  
‘ said Commissioners; and the Two Archbishops, and divers of the  
‘ Bishops of *England* and *Wales*, have declared their Intention of  
‘ pursuing the same Course with regard to similar Preferments in  
‘ their respective Patronage (excepting only the Dignity of Arch-  
‘ deacon), and a similar Declaration has been made by certain other  
‘ Patrons: And whereas several Dignities, Prebends, Canonries,  
‘ and Benefices without Cure of Souls have become vacant since  
‘ the

‘ the said Fourth Day of *February* last, and others may become  
 ‘ vacant pending the said Inquiries now in progress; and it is  
 ‘ expedient that the same should remain vacant until it shall be  
 ‘ decided in what Mode they can be disposed of so as to be made  
 ‘ most conducive to the Efficiency of the Established Church; and  
 ‘ with that view it is necessary to provide that due Care be taken  
 ‘ of the Revenues of such Dignities, Prebends, Canonries, and  
 ‘ Benefices, and that the Right of Presentation or Collation thereto  
 ‘ shall not lapse by reason of Delay in such Presentation or Col-  
 ‘ lation:’ Be it therefore enacted by the King’s most Excellent  
 Majesty, by and with the Advice and Consent of the Lords Spi-  
 ritual and Temporal, and Commons, in this present Parliament  
 assembled, and by the Authority of the same, That where any Digi-  
 nity, Prebend, Canonry, or Benefice without Cure of Souls, being  
 in the Patronage of His Majesty, or of any Archbishop, Bishop,  
 or other Patron in *England* or *Wales*, has become vacant since the  
 said Fourth Day of *February* last, or shall become vacant during  
 the Existence of the said Commission now in force, or of any  
 Renewal thereof, all Profits and Emoluments which have arisen or  
 accrued, and which shall arise and accrue, from every such vacant  
 Dignity, Prebend, Canonry, or Benefice, until a Successor shall  
 have been appointed thereto, whether from Houses, Lands, Tithes,  
 or Hereditaments to the same belonging, or from Rents, Fines,  
 Compositions, Dividends, or other Emoluments belonging to any  
 Chapter or other Aggregate Body of which the Dignitary, Pre-  
 bendary, Canon, or Incumbent last in Possession was a Member,  
 shall be paid to the Treasurer for the Time being of the Governors  
 of the Bounty of *Queen Anne*, in as full and ample Manner as  
 such Dignitary, Prebendary, Canon, or Incumbent, if he had re-  
 mained in Possession, or his Successor, if duly appointed, inducted,  
 or installed, would be entitled to receive the same; and such Treas-  
 urer shall, for the Purpose of enforcing Payment of all such Profits  
 and Emoluments, have and enjoy all legal Rights, Powers, and  
 Remedies, whether by Action, Suit, or Distress, as the Case may  
 be, which would belong to such Successor: Provided always, that  
 such Treasurer shall not have the Power of granting any Lease, or  
 of presenting to any Benefice with Cure of Souls; Provided also,  
 that such Treasurer shall not be answerable or accountable for any  
 Monies payable by virtue of this Act which shall not have been  
 actually received by him.

Profits of Digi-  
 nities or Bene-  
 fices without  
 Cure of Souls  
 becoming va-  
 cant during  
 the Existence  
 of the Eccle-  
 siastical Com-  
 mission to  
 be paid to the  
 Treasurer of  
 Queen Anne’s  
 Bounty.

II. And be it further enacted, That such Treasurer shall keep  
 an Account of all Sums received by him under this Act separate  
 from all other Funds in his Hands, and distinguishing each Dignity  
 or Benefice in respect whereof the same shall be received, and  
 shall allow all Costs, Expences, and Outgoings which would have  
 fallen on the deceased Incumbent, or may be reasonably incurred in  
 the Receipt of or enforcing the Payment of the Sums received, the  
 Amount thereof being allowed by the Governors of the said Bounty  
 for the Time being, and shall retain the Balance in his Hands  
 until he shall be otherwise ordered by competent Authority.

Treasurer to  
 keep an Ac-  
 count of the  
 Receipts, and  
 allow Expences.

III. Provided always, and be it enacted, That nothing in this  
 Act contained shall apply to or affect any Profits or Emoluments  
 of any Dignity, Prebend, Canonry, or Benefice now vacant, which  
 shall have been already divided or carried to any particular Account,

Excepting such  
 Profits of Digi-  
 nities now va-  
 cant as are  
 already appro-  
 priated.

according to the Statutes, Customs, or Usages of the Cathedral or Collegiate Church in which such Dignity may be founded.

Not to prevent Patrons from appointing, if they think proper to do so.

IV. Provided also, and be it enacted, That nothing in this Act contained shall prevent His Majesty, or any Archbishop, Bishop, or other Patron of any Dignity, Prebend, Canonry, or Benefice without Cure of Souls, which may have or hereafter shall become vacant, from appointing a Successor thereto in case he shall think proper to do so.

Providing for the Presentation to Benefices in the Patronage of such vacant Dignity, &c.

V. And be it further enacted, That where any Benefice with Cure of Souls, being in the Patronage of the Holder or Incumbent of any such Dignity, Prebend, Canonry, or Benefice as aforesaid without Cure of Souls, shall have become or shall become vacant during the Vacancy of such last-mentioned Dignity, Prebend, Canonry, or Benefice, the Patron of such last-mentioned Dignity, Prebend, Canonry, or Benefice shall be entitled to present to such Benefice with Cure of Souls.

Right of Presentation to vacant Dignity or Benefice not to lapse.

VI. And be it further enacted, That the Right of Presentation or Collation to any Dignity, Prebend, Canonry, or Benefice without Cure of Souls so become or becoming vacant as aforesaid shall not, by reason of any Delay in presenting or collating thereto, lapse to any Bishop or Archbishop, or to the King's Majesty; any Law or Custom to the contrary notwithstanding: Provided always, that the Patron of such vacant Dignity, Prebend, Canonry, or Benefice shall within Six Months after the Vacancy give Notice thereof in Writing to the Commissioners herein-before mentioned, who shall transmit a Copy of such Notice to the said Treasurer; and the said Treasurer shall, upon Receipt thereof, forthwith proceed to demand, collect, and receive, and shall, during the Time that such Dignity or Benefice shall remain liable to the Provisions of this Act, continue from Time to Time to demand, collect, and receive the Profits and Emoluments as they shall respectively become due and payable, and shall diligently use and exercise all the Powers and Authorities hereby to him given for duly and regularly enforcing the Payment thereof.

Treasurer of Queen Anne's Bounty to collect the Profits of the vacant Benefice, &c.

## CAP. XXXI.

An Act to give Effect and Validity to certain Contracts and Presentments for repairing and keeping in repair certain Public Roads in *Ireland* and the Sureties entered into for the Execution thereof. [21st August 1835.]

‘ WHEREAS at certain Special Sessions held in the County  
 ‘ of *Kildare* and in other Counties in *Ireland* previous to the  
 ‘ last Spring Assizes, in pursuance of the Provisions of an Act passed  
 ‘ in the Third and Fourth Years of the Reign of His present Ma-  
 ‘ jesty, intituled *An Act to amend the Laws relating to Grand Juries*  
 ‘ in *Ireland*, certain Applications for Presentments for the Repairs  
 ‘ of and for keeping in repair certain Public Roads in these Counties  
 ‘ respectively were made, and such Applications having been ap-  
 ‘ proved of, certain Contracts for executing such Works were  
 ‘ entered into, and Security for the Performance thereof given:  
 ‘ And whereas such Applications and Contracts were afterwards  
 ‘ submitted to the Grand Juries of such Counties respectively, and  
 ‘ allowed and approved of by them, and certain Presentments were  
 ‘ thereupon

thereupon made by such Grand Juries, for raising off the said Counties respectively the Sums under such Contracts payable to the Persons therein named for executing the Public Works therein mentioned; and such Sums, or some Parts thereof, have by virtue of such Presentments been levied by the several Collectors of Grand Jury Cess in such Counties, and considerable Portions of such Works have been executed by the Persons named in such Contracts: And whereas Doubts have been entertained whether such Contracts and Presentments have been made in strict Conformity with the Provisions of the said in part recited Act; and as Part of the Public Works therein mentioned has been done, and Part of the Money thereby presented has been raised, and cannot be now repaid, and as there is no other Fund save the Money so presented out of which the Persons who executed such Public Works can be paid, it is expedient to give Validity to such Contracts and Presentments: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Contracts for the Repairs of Public Roads in *Ireland*, or keeping them in repair, entered into at any Special Sessions held before the last Spring Assizes in any County in *Ireland*, and all Applications for Presentments for such Works made at such Sessions, and all Presentments founded thereon made by any Grand Jury at any Assizes held before the passing of this Act, shall be and the same are hereby declared to be valid and effectual in Law; (that is to say,) such Contracts shall be valid and effectual as Contracts for One Year, and such Presentments as Presentments for levying the Sums necessary for paying the Sums by such Contracts payable for such Year; and that so much of the several Sums by such Presentments directed to be levied as has not been already levied and raised shall be levied and raised in the same Manner and with the like Powers as any Sum legally presented by a Grand Jury in *Ireland* may be levied or raised; and that the Sum so to be levied, and any Sum heretofore levied or raised under such Presentments, shall be applied as the same would be if such several Presentments had been made legally and in conformity with the Provisions of such in part recited Act; and that the several Persons who would be entitled to be paid the Sums so presented if such Presentments and Contracts had been legally made, shall and may apply for Payment out of the Sums levied or to be levied under such Presentments in the same Manner as any Contractors would be entitled to apply for Payment of any Sum contracted to be paid under the Provisions of the said Act for doing any Public Works; and such Application shall be allowed or rejected and be in all respects treated as any Application under the said Act for Payment of any Sum contracted to be paid and presented under the said Act, and the Decision thereon shall be liable to be traversed as any Decision or any Application under the said Act; and the Money which shall be payable under such Contract, or such Part thereof as shall, upon such Application, be payable, shall be paid in the same Manner as any Money presented and payable under the said Act would be paid.

The several Contracts for the Repairs of Public Roads in Ireland, and all Presentments relating thereto, entered into before the passing of this Act, to be valid and effectual in Law.

II. And be it further enacted, That all Securities given for the due Performance of any such Contracts shall be and the same are hereby

Securities for such Contracts declared to be valid.



hereby declared to be valid Securities, and binding on the several Persons who entered into the same, as fully and effectually, to all Intents and Purposes, as if they were entered into under the Provisions of the said Act as Securities for the due Performance of any Public Work.

CAP. XXXII.

An Act to impose certain Duties on Tea.

[21st August 1835.]

3 & 4 W. 4.  
c. 101.

After 1st July 1836 the present Duties on Tea to cease, and a Duty of 2s. 1d. per Pound to be charged in lieu thereof.

‘ WHEREAS an Act was passed in the Third and Fourth Year of the Reign of His present Majesty, intituled *An Act to provide for the Collection and Management of the Duties on Tea*: ‘ And whereas it is found expedient to alter the Rates of Duty ‘ thereby imposed;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *July* One thousand eight hundred and thirty-six the several Duties on Tea imposed by the said recited Act shall cease and determine, save and except as to any Arrears of such Duties which may then be due and payable and unpaid; and in lieu and instead thereof there shall be charged a Duty of Two Shillings and One Penny on every Pound Weight of Tea which after the said Day shall be imported, or which, having been previously imported, shall after that Day be entered for Home Consumption in the United Kingdom; which said Duty shall be raised, levied, collected, and paid under the like Rules and Regulations, so far as the same may be applicable, and shall be appropriated and applied in such and the like Manner, as the Duties on Tea imposed by the said recited Act.

CAP. XXXIII.

An Act for preventing the vexatious Removal of Indictments into the Court of King’s Bench; and for extending the Provisions of an Act of the Fifth Year of King *William* and Queen *Mary*, for preventing Delays at the Quarter Sessions of the Peace, to other Indictments; and for extending the Provisions of an Act of the Seventh Year of King *George* the Fourth, as to taking Bail in Cases of Felony. [21st August 1835.]

*in last schedule by 11/42 & c 42 & 34*

‘ WHEREAS it is expedient to prevent Prosecutors of Indictments and Presentments from vexatiously removing the ‘ same out of inferior Courts into His Majesty’s Court of King’s ‘ Bench:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Writ of Certiorari shall issue from the Court of King’s Bench at *Westminster* for removing into that Court any Indictment or Presentment from any Court of Session, Assize, Oyer and Terminer, or Gaol Delivery, or any other Court, at the

No Certiorari shall issue to remove Indictments, &c. from inferior Courts to the Court of

Instance of the Prosecutor or any other Person (except His Majesty's Attorney General), without Motion first made in the Court of King's Bench, or before some Judge of that Court, and Leave obtained to remove such Indictment or Presentment, in the same Manner as similar Motions may now be made and Leave given where such Application is made on the Part of Defendants; any Law, Practice, or Usage to the contrary in anywise notwithstanding.

King's Bench, at the Instance of a Prosecutor, without Leave from that Court.

II. 'And whereas it is expedient to extend the Powers of an Act passed in the Fifth Year of the Reign of King *William* the Third and Queen *Mary*, intituled *An Act to prevent Delays of Proceedings at the Quarter Sessions of the Peace*;' be it therefore enacted, That instead of the Recognizance now by Law required to be entered into before the Allowance of a Writ of Certiorari, every Person indicted or presented in any Court of Session, Assize, Oyer and Terminer, Gaol Delivery, or any other Court, who shall obtain a Writ of Certiorari for removing any Indictment or Presentment whatever into the Court of King's Bench, not being in Custody for Want of Bail to answer such Indictment or Presentment, shall, before the Allowance of such Writ, enter into a Recognizance before One of His Majesty's Justices of the Court of King's Bench, or before a Justice of the Peace of the County or Place in which the Offence is charged to have been committed, or in which such Person shall reside, in such Sum and with such Sureties as the said Court of King's Bench, or One of His Majesty's Justices of the said Court, shall by Indorsement on the said Writ order and direct; which Recognizance shall contain the same Conditions as are now by the said Act, and another Act passed in the Eighth and Ninth Year of the Reign of King *William* the Third, intituled *An Act to make perpetual and more effectual an Act, intituled 'An Act to prevent Delays at the Quarter Sessions of the Peace,'* required in Cases of Indictments removed from the General or Quarter Sessions of the Peace; and thereupon all the Clauses and Provisions contained in the said several Acts with respect to Costs or otherwise shall extend to such last-mentioned Recognizances; and every Person being in Custody for Want of Bail to answer the Charge contained in such Indictment or Presentment shall be detained in Custody until the like Recognizances as are herein-before directed to be entered into (previous to the Allowance of such Writ of Certiorari) shall have been entered into, or until such Person be discharged by due Course of Law.

Defendants to enter into certain Recognizances before obtaining Writ of Certiorari to remove Indictment, &c. 5 & 6 W. & M. c. 11.

8 & 9 W. 3. c. 35.

III. 'Whereas in many Cases the taking Bail for the Appearance of Persons charged with Felony may be safely admitted without endangering the Appearance of such Persons to take their Trial in due Course of Law, and it is therefore expedient in such Cases to amend and extend the Provisions in that respect of an Act passed in the Seventh Year of King *George* the Fourth, intituled *An Act for improving the Administration of Criminal Justice in England*;' be it therefore enacted, That it shall be lawful for any Two Justices of the Peace, if they shall think fit, of whom one or other shall have signed the Warrant of Commitment, to admit any Person or Persons charged with Felony, or against whom any Warrant of Commitment for Felony is signed, to Bail, in the Manner and according to the Provisions directed by

Extending Provisions of Act, 7 G. 4. c. 64. as to taking of Bail in Cases of Felony.

the said recited Act, in such Sum or Sums of Money and with such Surety or Sureties as they shall think fit, and notwithstanding such Person or Persons shall have confessed the Matter laid to his or their Charge, or notwithstanding such Justices shall not think that such Charge is groundless, or shall think that the Circumstances are such as to raise a Presumption of Guilt.

## CAP. XXXIV.

An Act to amend Two clerical Errors contained in an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in Ireland relative to Larceny and other Offences connected therewith.* [25th August 1835.]

9 G. 4. c. 55.

‘ **W**HEREAS an Act was passed in the Ninth Year of the  
 ‘ Reign of His late Majesty King *George* the Fourth,  
 ‘ intituled *An Act for consolidating and amending the Laws in Ire-*  
 ‘ *land relative to Larceny and other Offences connected therewith:*  
 ‘ And whereas the said Act contains a Proviso in the Words fol-  
 ‘ lowing; that is to say, “ Provided always, that if upon the Trial  
 ‘ “ of any Person indicted for such Misdemeanor it shall be proved  
 ‘ “ that he obtained the Property in question in any such Manner  
 ‘ “ as to amount in Law to Larceny, he shall by reason thereof be  
 ‘ “ entitled to be acquitted of such Misdemeanor”: And whereas  
 ‘ the Word “ not ” has by a clerical Error been omitted between  
 ‘ the Words “ shall ” and “ by ” in the said Proviso:’ Be it  
 ‘ enacted by the King’s most Excellent Majesty, by and with the  
 ‘ Advice and Consent of the Lords Spiritual and Temporal, and  
 ‘ Commons, in this present Parliament assembled, and by the Author-  
 ‘ ity of the same, That the said herein-before recited Proviso of the  
 ‘ said Act of Parliament shall be deemed, construed, and taken to  
 ‘ have such and the same Effect, to all Intents and Purposes what-  
 ‘ soever, as if the said Word “ not ” had been originally inserted  
 ‘ between the Words “ shall ” and “ by ”.

Proviso in  
 9 G. 4. c. 55.  
 s. 46. to have  
 the intended  
 Effect notwith-  
 standing the  
 Omission.

Clause 20 of  
 9 G. 4. c. 55.  
 to have the in-  
 tended Effect  
 notwithstanding  
 the Omission  
 therein.

II. ‘ And whereas in another Clause of the said recited Act  
 ‘ the Words following are contained; that is to say, “ And to  
 ‘ “ encourage the Prosecution of Offenders, be it enacted, That if  
 ‘ “ any Person guilty of any such Felony or Misdemeanor as afore-  
 ‘ “ said, in stealing, taking, obtaining, or converting, or in knowingly  
 ‘ “ receiving, any Chattel, Money, valuable Security, or other Pro-  
 ‘ “ perty whatsoever, shall be indicted for any Offence by or on  
 ‘ “ the Behalf of the Owner of the Property, or his Executor or  
 ‘ “ Administrator, and convicted thereof, in such Case the Property  
 ‘ “ shall be restored to the Owner or his Representative”: And  
 ‘ whereas the Word “ such ” has by a clerical Error been omitted  
 ‘ between the Words “ any ” and “ Offence ” in the said Clause:’ Be  
 ‘ it enacted, That the herein-before recited Clause of the said Act of  
 ‘ Parliament shall be deemed, construed, and taken to have such and  
 ‘ the same Effect to all Intents and Purposes whatsoever as if the  
 ‘ said Word “ such ” had been originally inserted between the said  
 ‘ Words “ any ” and “ Offence ”.

## CAP. XXXV.

An Act for consolidating the Offices of Paymaster General, Paymaster and Treasurer of *Chelsea* Hospital, Treasurer of the Navy, and Treasurer of the Ordnance.

[25th August 1835.]

WHEREAS various Acts have been passed from Time to Time for the better Regulation of the Offices of Receiver and Paymaster General of His Majesty's Guards, Garrisons, and Land Forces, of Paymaster and Treasurer of all Monies for the Maintenance or Relief of the disabled and superannuated Non-commissioned Officers and Soldiers entertained in His Majesty's Royal Hospital near *Chelsea*, of the Office of Treasurer of His Majesty's Royal Navy, and of the Office of Treasurer of His Majesty's Ordnance: And whereas it is expedient to consolidate into One Establishment those Four several Offices, and to make Provision for the proper Dispatch of the Public Business when such Consolidation shall have taken place; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall be lawful for His Majesty, His Heirs and Successors, by Warrant under the Royal Sign Manual, countersigned by the Lord High Treasurer, or the Commissioners of the Treasury of the United Kingdom of *Great Britain and Ireland* for the Time being, or any Three or more of them, to abolish the said Offices of Receiver and Paymaster General of His Majesty's Guards, Garrisons, and Land Forces, of Paymaster and Treasurer of all Monies for the Maintenance or Relief of the disabled and superannuated Non-commissioned Officers and Soldiers entertained in His Majesty's Royal Hospital near *Chelsea*, of Treasurer of His Majesty's Royal Navy, and of Treasurer of His Majesty's Ordnance; and in place of the said several Offices to constitute and appoint One Office for the Discharge of the Duties now executed in the several Offices so authorized to be abolished.

Certain Offices abolished, and One Office constituted in place thereof.

II. And be it further enacted, That from and after the Date of such Warrant directing the Abolition of the said Offices the several Patents, Warrants, and Authorities under which the same have been and are or shall be held shall cease and determine and become absolutely null and void.

Patents, &c. to cease.

III. And be it further enacted, That the Office to be created to execute the several Duties now discharged in the said Offices so to be abolished shall be styled "The Office of His Majesty's Paymaster General"; and that the Establishment thereof shall consist of a Paymaster General, with such Number of Officers, Clerks, and Assistants, and with such Salaries, as shall be fixed and regulated from Time to Time by the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them.

Establishment of the Office of Paymaster General.

IV. And be it further enacted, That the said Office of Paymaster General shall be granted by Warrant under the Royal Sign Manual, countersigned by the Lord High Treasurer, or the Commissioners of the Treasury for the Time being, or any Three or more of them,

Appointment to Office.

and that such Grant when so made shall be and continue in force during His Majesty's Pleasure, in the same Manner as the Offices by this Act authorized to be abolished are granted and held.

Office not to be deemed a new Office.

6 Ann. c. 7.

Paymaster General, if holding an abolished Office, not to vacate his Seat.

V. And be it further enacted, That the said Office of Paymaster General shall not be deemed or taken to be a new Office within the Meaning of an Act passed in the Sixth Year of the Reign of Her Majesty Queen Anne, intituled *An Act for the Security of Her Majesty's Person and Government, and of the Succession of the Crown of Great Britain in the Protestant Line.*

VI. Provided always, and be it further enacted, That the Person who may be appointed to the said Office of Paymaster General, if he shall at the Time of the Abolition of the Offices by this Act authorized to be abolished be in Possession of any of the said Offices, shall not by reason of such Appointment thereby vacate the Seat in Parliament which any such Person may then hold; any thing in the said Act of Queen Anne or of any other Act or Acts to the contrary notwithstanding.

Duties transferred to new Office.

VII. And be it further enacted, That from and after the Abolition of the said Offices, and so soon as the Appointment of a Paymaster General shall have been made under the Authority of this Act by His Majesty, His Heirs or Successors, all the Interest, Titles, Powers, Authorities, Privileges, and Duties now exercised by or vested, either by Law or Usage, in any of the said Offices so abolished, shall be and the same are hereby declared to be transferred to, exercised by, and vested in the said Paymaster General, in as full and ample a Manner to all Intents and Purposes as they were exercised by or vested in the Persons holding the said Offices so abolished, except only so far as any of such Interests, Titles, Powers, Authorities, Privileges, and Duties are or shall be by this Act controlled, diminished, or varied.

Actions to continue.

VIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to abate any Suits or other Proceedings either at Law or in Equity which are now or shall at the Period of the Abolition of the said Offices be depending in the Name or on behalf of any of the said Officers whose Offices shall be so abolished, but all such Suits and Proceedings shall and may continue to be carried on in their respective Names in the same Manner as if this Act had not been passed, for and on behalf of the Paymaster General to be appointed under the Authority of this Act.

Bonds to remain in force.

IX. And be it further enacted, That all Bonds which shall have been entered into and given to the Crown, or otherwise, by any Deputies or other Officers or Clerks, or by any other Person or Persons whatsoever, and their respective Sureties, for the faithful Discharge of their Duty in any of the said Offices intended to be hereby abolished, shall notwithstanding such Abolition be and continue in force against the Parties to such Bonds, as well in respect of the Duties, Matters, and Things therein mentioned or referred unto, as of all Duties, Matters, and Things thereafter to be done and performed, which the said Deputies or other Officers or Clerks or Persons would have been liable to do and perform, before the Abolition of the Offices intended to be abolished under the Authority of this Act.

X. ' And whereas by reason of the Abolition of the said Offices ' it will be necessary that new Regulations should be prescribed ' for the Government of the Office to be created under the Autho- ' rity of this Act;' be it therefore enacted, That it shall be lawful for the Lord High Treasurer or for the Commissioners of the Treasury for the Time being, or any Three or more of them, and he and they are hereby empowered, to prescribe such Rules and Regu- lations, and to issue such Orders, from Time to Time, in all Matters and Things relating to the said Office, for the Safety, Economy, and Advantage of the Public Service, as he or they shall see fit; which Rules, Regulations, and Orders shall be of full Force and Authority, and shall be observed by the Comptroller General of His Majesty's Exchequer, and by the Governor and Company of the Bank of *England*, when certified to them by the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any Three or more of them, and by all Bodies and Persons whatsoever, in relation to all Matters and Things therein contained, any thing in any Act or Acts to the contrary notwithstanding.

Treasury may make Regulations for new Office.

XI. And be it further enacted, That a Return, setting forth all Rules, Orders, and Regulations which shall have been issued and prescribed by the Commissioners of the Treasury, shall be laid before Parliament within Six Weeks from the Date of their being promulgated, if Parliament be then sitting, and if not then sitting within Six Weeks from the Day of the next ensuing Meeting of Parliament.

Regulations to be laid before Parliament.

XII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered.

### CAP. XXXVI.

An Act to limit the Time of taking the Poll in Boroughs at contested Elections of Members to serve in Parliament to One Day. [25th August 1835.]

' **W**HEREAS it would tend to promote the Purity of Elections ' and the Diminution of Expence if the Poll at all contested ' Elections of Members to serve in Parliament for Cities, Boroughs, ' and Towns, or for Counties of Cities or Counties of Towns, were ' taken in One Day: And whereas by an Act passed in the Second ' Year of the Reign of His present Majesty King *William* the ' Fourth, intituled *An Act to amend the Representation of the People* ' in England and Wales, it is among other Things enacted, that ' such Poll may remain open during the Space of Two Days: And ' whereas it is expedient to repeal that Part of the said recited Act ' which allows the Poll so to continue open during the Space of ' Two Days;' be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act such Part of the said recited Act as allows the Poll to continue open during Two Days in Cities, Boroughs, and Towns, or in Counties of Cities or Counties of Towns, be repealed, and the same is hereby repealed.

2 & 3 W. 4. c. 45.

So much of recited Act as allows the Poll to be kept open Two Days repealed.

II. And be it further enacted, That at every contested Election of a Member or Members to serve in Parliament for any City; Borough,

Period of polling.

Borough, or Town, or County of a City or County of a Town, the polling shall commence at Eight of the Clock in the Forenoon of the Day next following the Day fixed for the Election; and the polling shall continue during such One Day only; and no Poll shall be kept open later than Four of the Clock in the Afternoon: Provided always, that when such Day next following the Day fixed for the Election shall be *Sunday, Good Friday, or Christmas Day*, then in the Case it be *Sunday* the Poll shall be on the *Monday* next following, and in the Case it be *Good Friday* then on the *Saturday* next following, and in the Case it be *Christmas Day* then on the next following Day, if the same shall not be *Sunday*, and if it be *Sunday*, on the next following *Monday*.

Not more than 300 Voters to poll in One Booth.

III. And be it further enacted, That the Polling Booths or Compartments at each Polling Place shall be so divided and arranged by the Sheriff or other Returning Officer that not more than Three hundred Electors shall be allotted to poll in each such Booth or Compartment.

Not more than 100 Voters to poll in One Booth, if so required.

IV. And be it further enacted, That on the Requisition of any Candidate, or of any Elector being the Proposer or Seconder of any Candidate, the Booths or Compartments of each Polling Place shall be so divided and arranged by the Sheriff or other Returning Officer that not more than One hundred Electors shall be allotted to poll in each such Booth or Compartment: Provided always, that such Candidate or Elector making such Requisition shall pay all Expences incident upon such Division or Arrangement.

In case of such Requisition, Notice to be given of the Situation of Booths.

V. And be it further enacted, That in case any Requisition as aforesaid shall be made on or before the Day fixed for the Election, the Sheriff or other Returning Officer shall forthwith give public Notice of the Situation of such Booths, which shall be deemed to be sufficient Notice, any Law or Statute to the contrary notwithstanding.

Oaths of Allegiance, Supremacy, and Abjuration not to be taken.

VI. And be it further enacted, That no Elector at any Election shall be required to take the Oaths commonly called the Oaths of Allegiance, Abjuration, and Supremacy, nor any Oath or Oaths required to be taken by any Act of Parliament in lieu thereof; any Law or Statute to the contrary notwithstanding.

Liverymen of London, entitled to vote in respect of Premises, may vote at the Booth for the District where such Premises are situate.

VII. And be it further enacted, That such of the Freemen of the City of *London*, being Liverymen, as are or shall be entitled to vote in the Election of Members to serve in any future Parliament for the City of *London* in the Guildhall, and who are or shall be also entitled to vote in such Election as Owner or Tenant of Premises in such City, shall be entitled to vote at any such Election at the Booth or Place appointed for the Parish, District, or Part wherein the Property may be situate in respect of which he is so entitled to vote as aforesaid; and that such Vote shall be entered in the Poll Books either as the Vote of a Liveryman, or as Owner or Tenant, as the Person so voting shall direct.

Adjournment of Nomination or of Poll in case of Riot.

VIII. And be it enacted, That where the Proceedings at any Election shall be interrupted or obstructed by any Riot or open Violence, whether such Proceedings shall consist of the Nomination of Candidates or of the taking the Poll, the Sheriff or other Returning Officer, or the lawful Deputy of any Returning Officer, shall not for such Cause terminate the Business of such Nomination, nor finally close the Poll, but shall adjourn the Nomination,

or the taking the Poll at the particular Polling Place or Places at which such Interruption or Obstruction shall have happened, until the following Day, and, if necessary, shall further adjourn such Nomination or Poll, as the Case may be, until such Interruption or Obstruction shall have ceased, when the Returning Officer or his Deputy shall again proceed with the Business of the Nomination or with the taking the Poll, as the Case may be, at the Place or Places at which the same respectively may have been interrupted or obstructed; and the Day on which the Business of the Nomination shall have been concluded shall be deemed to have been the Day fixed for the Election, and the Commencement of the Poll shall be regulated accordingly; and any Day whereon the Poll shall have been so adjourned shall not as to such Place or Places be reckoned the Day of polling at such Election, within the Meaning of this Act; and whenever the Poll shall have been so adjourned by any Deputy of any Sheriff or other Returning Officer, such Deputy shall forthwith give Notice of such Adjournment to the Sheriff or Returning Officer, who shall not finally declare the State of the Poll, or make Proclamation of the Member or Members chosen, until the Poll so adjourned at such Place or Places as aforesaid shall have been finally closed, and the Poll Books delivered or transmitted to such Sheriff or other Returning Officer, any thing herein-before or in any other Statute to the contrary notwithstanding: Provided always, that this Act shall not be taken to authorize an Adjournment to a *Sunday*; but that in every Case in which the Day to which the Adjournment would otherwise be made shall happen to be a *Sunday, Good Friday, or Christmas Day*, that Day or Days shall be passed over, and the following shall be the Day to which the Adjournment shall be made.

IX. And be it further enacted, That nothing in this Act shall be construed to apply to *Ireland* or to *Scotland*.

X. And be it further enacted, That this Act may be altered, varied, or repealed by any Act to be passed in this present Session of Parliament.

Not to extend to Scotland or Ireland.

Act may be repealed this Session.

### CAP. XXXVII.

An Act for the further Reduction of the Militia Staff, and to suspend the Ballot for the Militia.

[25th August 1835.]

‘WHEREAS it is expedient to reduce the present Staff of the Militia in *Great Britain* and *Ireland*’; be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That a Reduction shall take place in the Disembodied Staff of the said Militia at the Time and in the Manner herein-after mentioned; namely, it shall be lawful for His Majesty, by an Order in Council, at any Time before the Tenth Day of *September* One thousand eight hundred and thirty-five, to direct that a Proportion of the Serjeants of each Regiment, Battalion, or Corps of Militia, such Proportion not to be less than One Third of the Number of Serjeants (not including the Serjeant-Major) borne on the existing Establishment of the Disembodied Staff, shall

Reduction of the Disembodied Staff of the Militia.

be



be reduced on the Tenth Day of *October* One thousand eight hundred and thirty-five: Provided always, that the whole Number of Serjeants so to be reduced shall not exceed One Half of the whole Number serving on the First Day of *August* in the present Year.

Drum-Majors and Drummers to be reduced.

II. And be it further enacted, That all the Drum-Majors and Drummers of the Militia of *Great Britain* and *Ireland* shall be reduced on the said Tenth Day of *October* in the present Year.

Disposal of the Arms and Stores.

III. And be it further enacted, That it shall be lawful for His Majesty, by an Order signed by One of His Majesty's Principal Secretaries of State in *Great Britain*, and in *Ireland* by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Time being respectively, to direct the Lord Lieutenant of any County in *Great Britain*, and the Lieutenant of any County in *Ireland*, to cause the Arms and other Stores belonging to any Regiment, Battalion, or Corps of Militia of such County in *Great Britain* and *Ireland* respectively to be delivered over to His Majesty's Ordnance Department.

General and Subdivision Meetings relating to the Militia suspended.

IV. ' And whereas it is expedient to suspend for a further ' Period the making of Lists and the Ballots and Enrolments for ' the Militia of the United Kingdom; ' be it therefore enacted, That all General and Subdivision Meetings relating to the Militia of the United Kingdom, and all Proceedings relating to the procuring any Returns, or preparing or making out Lists for such Militia, or any Parts thereof, or relating to the balloting for or enrolling any Militiamen or Substitutes, or supplying any Vacancies in such Militia, except as herein-after excepted, shall remain suspended until the End of the next Session of Parliament, any thing in any Act or Acts to the contrary notwithstanding.

Proceedings may be had during such Suspension by Order in Council.

V. Provided always, and be it enacted, That it shall be lawful for His Majesty by any Order in Council to direct that any Proceedings shall be had, at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia of the United Kingdom or any Part thereof, as His Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the giving Notices for and Returns of Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Time respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof to the Lord Lieutenants or Deputy Lieutenants acting for Lord Lieutenants of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Lieutenants and Deputy Lieutenants of Counties and Places in *Ireland*, or to the Warden and Special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland*, and *Ireland* respectively relating to the Militia and Corps of Miners of *Cornwall* and *Devon* shall upon any such Order, and Direction given in pursuance thereof, become and be in full force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for

any

any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

VI. And be it further enacted, That it shall and may be lawful for His Majesty, by Order signified by One of His Majesty's Principal Secretaries of State, to direct that in case of any Vacancy occurring among the Adjutants of the Disembodied Militia, such Vacancy, if it be thought proper, shall not be filled up.

His Majesty may direct that Vacancies among Adjutants shall not be filled up.

VII. And be it further enacted, That this Act, and all the Clauses, Provisions, and Authorities therein contained, shall be construed to extend to the Warden and Special Deputy Wardens of the Stannaries, and Corps of Miners of *Cornwall* and *Devon*, as fully as if they were respectively and severally repeated in every such Clause, Provision, Direction, and Authority.

Act to extend to Wardens of Stannaries and to Corps of Miners.

### CAP. XXXVIII.

An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in *England* and *Wales*; and for appointing Inspectors of Prisons in *Great Britain*.  
[25th August 1835.]

WHEREAS by the Laws now in force Rules and Regulations made for the Government of certain Prisons, and for the Duties to be performed by the Officers of the same, are in *London* and *Middlesex* required to be submitted to the Two Chief Justices, and elsewhere to certain other Justices, for Approval, and to be approved of by them before they can be enforced: Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That no such Rules and Regulations made after the passing of this Act shall be required to be submitted for Approval, or to be approved of, otherwise than is herein-after mentioned.

Rules for Government of Prisons to be approved only as herein-after provided.

II. And be it enacted, That all Rules and Regulations which shall be made after the passing of this Act by the Court of Mayor and Aldermen of the City of *London*, Justices of the Peace, or other Persons whatsoever, which they are now by Law authorized to make for the Government of any Prisons in *England* and *Wales*, or for the Duties to be performed by the Officers of such Prisons, shall be submitted to One of His Majesty's Principal Secretaries of State, and it shall be lawful for such Secretary of State, if he thinks fit, to alter such Rules and Regulations, or to make additional Rules and Regulations thereto, and to subscribe a Certificate or Declaration that such Rules and Regulations as submitted to him, or altered or added to, are proper to be enforced; and when such Secretary of State shall have subscribed such Certificate or Declaration, such Rules and Regulations, Alterations and Additions, shall be binding upon the Sheriff and all other Persons, without any other Sanction or Approval: Provided also, that no Rule or Regulation, save as herein-after is mentioned, which, after the passing of this Act, shall be made for any Prison within *England* and *Wales*, or for the Duties to be performed by the Officers of such Prison, shall be enforced until a Certificate or Declaration shall

Manner in which such Rules are to be made and approved.

shall have been duly subscribed by One of His Majesty's Principal Secretaries of State in manner aforesaid.

Justice of Peace empowered to commit Offenders to any House of Correction near the Place where the Assizes are to be holden at which they are to be tried.

III. 'Whereas great Inconvenience and Expence have been found to result from the Practice of committing to the Common Gaol of the County Persons charged with the Offences intended to be tried at the Assizes or Sessions holden for such County where such Assizes or Sessions are holden at Places distant from such Common Gaol, and it is expedient that the Law should be altered and amended;' for Remedy thereof, be it enacted, That from and after the passing of this Act it shall be lawful for any Justice of the Peace or Coroner, acting within their several Jurisdictions in *England* and *Wales*, to commit for safe Custody to any House of Correction, situate near to the Place where such Assizes and Sessions are intended to be holden, any Person or Persons charged before them with any Offence triable at such Assizes or Sessions; and that whenever any such Persons shall be committed to any such House of Correction for Trial at such Assizes or Sessions, the Keeper of such House of Correction shall deliver to the Judges of Assize or Justices at Sessions a Calendar of all Prisoners in his Custody for Trial at such Assizes or Sessions respectively, in the same Way that the Sheriff of the County would be by Law required to do if such Prisoners had been committed to the Common Gaol of the County.

How Persons convicted of Offences for which they are liable to Death, &c. shall be disposed of.

IV. And be it further enacted, That whenever any Person shall be convicted at any Assizes or Sessions of any Offence for which he or she shall be liable either to the Punishment of Death, Transportation, or Imprisonment, it shall be lawful for the Court (if it shall so think fit) to commit such Person to any House of Correction for such County, in execution of his or her Judgment; and in case of the Commitment of any Person sentenced to Death, Execution of such Judgment shall and may be had and done by the Sheriff of the County; and in case of the Commitment of any Person either sentenced to Transportation, or pardoned for any Capital Offence on Condition of Transportation, all the Powers, Provisions, and Authorities for the Removal of Offenders sentenced to Transportation, given or granted by any former Act or Acts of Parliament to Sheriffs or Gaolers, shall be and the same are hereby extended and given to the Keepers of Houses of Correction in whose Custody such last-mentioned Offenders shall be.

Clerks of Peace, &c. to transmit Copies of Prison Rules to Secretary of State, who may add to or alter the same.

V. And be it enacted, That on or before the First Day of *November* in every Year the Clerks of the Peace for every County, Riding, or Division of a County in *England* and *Wales*, the Clerks of every Gaol Sessions, and the Chief Magistrates of every City, Town, Borough, Port, or Liberty within *England* and *Wales*, now having any Prison, shall transmit Copies of all Rules and Regulations in force on the Twenty-fifth Day of *September* in such Year for the Government of every Prison for and belonging to their respective Counties, Ridings, or Divisions of Counties, Cities, Towns, Boroughs, Ports, and Liberties, to One of His Majesty's Principal Secretaries of State, together with Copies of such new or additional Rules and Regulations as may be proposed for the Government thereof; and that it shall be lawful for such Secretary of State to alter such Rules or Regulations, Copies whereof shall be transmitted to him in pursuance of this Act, and to make additional Rules

Rules for Regulations thereto, and to subscribe a Certificate or Declaration that such Rules and Regulations as transmitted to him, or altered or added to, are proper to be enforced; and the Rules and Regulations, Alterations and Additions so certified shall be binding upon Sheriffs and all other Persons; and the Clerks of the Peace for every County, Riding or Division of a County, in *England* and *Wales*, the Clerks of every Gaol Sessions, and the Chief Magistrates of every such City, Town, Borough, Port, and Liberty, are hereby required to lay before the Court of Quarter Sessions held next after the Twenty-fifth Day of *September* in every Year for their respective Counties, Ridings, Divisions of Counties, Cities, Towns, Boroughs, Ports, and Liberties on the first Day of such Sessions, like Copies of all Rules and Regulations in force on the Twenty-fifth Day of *September* in every Year for the Government of their respective Prisons.

Clerks of Peace, &c. to lay Copies of Prison Rules before the Court of Quarter Sessions.

VI. And be it further enacted, That in case of any Clerk of the Peace, Clerk of Gaol Sessions, or Chief Magistrate of any City, Town, Borough, Port, or Liberty, neglecting or omitting to transmit to One of His Majesty's Principal Secretaries of State Copies of the Rules or Regulations in force for the Government of any Prison which he is required by this Act to transmit, it shall be lawful for One of His Majesty's Principal Secretaries of State after the First Day of *December* in every Year to certify what Rules and Regulations he deems necessary for the Government of such Prison; and the Rules and Regulations so certified by such Secretary of State shall thenceforth be binding upon Sheriffs and all other Persons, and shall be the only Rules in force for the Government of such Prison.

In case Clerks of Peace, &c. neglect to transmit such Rules to the Secretary of State he may certify what Rules he may deem necessary for the Government of such Prisons.

VII. And be it enacted, That it shall be lawful for One of His Majesty's Principal Secretaries of State to nominate and appoint a sufficient Number of fit and proper Persons, not exceeding Five, to visit and inspect, either singly or together, every Gaol, Bridewell, House of Correction, Penitentiary, or other Prison or Place kept or used for the Confinement of Prisoners, in any Part of the Kingdom of *Great Britain*; and every Person so appointed shall have Authority to examine any Person holding any Office or receiving any Salary or Emolument in any such Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other Place of Confinement as aforesaid, and to call for and inspect all Books and Papers relating thereto, and to inquire into all Matters touching and concerning such Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other Place of Confinement; and every such Person so appointed shall, on or before the First Day of *February* in every Year, make a separate and distinct Report in Writing of the State of every Gaol, Bridewell, House of Correction, Penitentiary, Prison, or other Place of Confinement visited by him, and shall transmit the same to One of Majesty's Principal Secretaries of State; and a Copy of every such Report shall be laid before both Houses of Parliament within Fourteen Days after such First Day of *February*, if they shall be then assembled; or if Parliament shall not be then assembled, within Fourteen Days after the Meeting thereof after such First Day of *February*.

Power to appoint Inspectors of Prisons.

VIII. And be it further enacted, That if any Person shall knowingly and wilfully obstruct any Person so appointed in the Execution

Penalty on obstructing Inspectors.

cution of any of the Powers intrusted to him by this Act, such Person shall, on Conviction before a Justice of the Peace, forfeit and pay for each and every such Offence any Sum not exceeding Twenty Pounds, and in default of Payment of any Penalty so adjudged, immediately, or within such Time as the said Justice shall appoint, shall be committed to Prison for any Period not exceeding One Calendar Month.

A Justice may summon Offenders on Complaint being made.

Secretary of State may visit or authorize any Person to visit Prisons.

His Majesty may order Prisoners to be removed from one Prison to another.

Where Term of Imprisonment expires on a Sunday, Prisoner to be discharged on the preceding Saturday.

Power given by 4 & 5 W. 4, c. 36. to His Majesty to direct Persons sentenced to Imprisonment for Offences committed beyond Limits of that Act to be removed to Penitentiary, extended to Offences committed within the Limits.

IX. And be it further enacted, That it shall be lawful for a Justice of the Peace, on any Complaint made to him against any Person for any such Offence, to issue his Summons for the Appearance of such Person.

X. And be it enacted, That it shall be lawful for any One of His Majesty's Principal Secretaries of State to visit and inspect, or to authorize in Writing any Person or Persons to visit and inspect, any Prison or Prisons or any Penitentiary or other Place of Confinement for Prisoners in *Great Britain* upon any Occasion which such Secretary of State may think expedient.

XI. And be it enacted, That it shall be lawful for His Majesty by an Order in Writing, to be notified in Writing by One of His Majesty's Principal Secretaries of State, to direct that any Persons in Prison within *England* and *Wales*, under Sentence of any Court or of any competent Authority for any Offence committed by them, shall be removed from the Prison in which they are confined to any other of His Majesty's Prisons or Penitentiaries within *England* and *Wales*, there to be imprisoned for and during their respective Terms of Imprisonment.

XII. And be it enacted, That every Person confined in any Prison whose Term of Imprisonment would according to his or her Sentence have expired on any Lord's Day shall be entitled to his or her Discharge from such Prison on the *Saturday* next preceding such Lord's Day; and every Keeper, Governor, or other Officer of any Prison having the Custody of any such Prisoner as aforesaid is hereby authorized and required to discharge such Prisoner on the *Saturday* next preceding any such Lord's Day.

XIII. And whereas by an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act for establishing a new Court for the Trial of Offences committed in the Metropolis and Parts adjoining*, it was among other Things enacted, that it shall be lawful for His Majesty, by an Order in Writing, to be notified in Writing by One of His Majesty's Principal Secretaries of State, to direct that Persons who may be sentenced to Imprisonment by any Court or competent Authority for any Offence committed beyond the Limits of that Act, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious Disorder, and fit to be removed, shall be removed to the Penitentiary at *Milbank*, there to be imprisoned for and during their respective Terms of Imprisonment: And whereas it is expedient that the like Power should be given for directing Persons who shall be sentenced by any Court, or ordered by any competent Authority, to be imprisoned for Offences committed within the Limits of the said Act, no less than for Offences committed beyond the Limits of the said Act; be it therefore enacted, That it shall be lawful for His Majesty by an Order in Writing, to be notified in Writing

by

repealed by  
54790/26

by One of His Majesty's Principal Secretaries of State, to direct that Persons who shall be sentenced by any Court, or ordered by any competent Authority subjecting such Person to hard Labour, to be imprisoned for any Offence committed within the Limits of the before-recited Act, and who, having been examined by an experienced Surgeon or Apothecary, shall appear to be free from any putrid or infectious Distemper, and fit to be removed, shall be removed to the Penitentiary at *Milbank*, there to be imprisoned for and during their respective Terms of Imprisonment.

XIV. And be it further enacted, That all Provisions and Regulations expressed and contained in any Act made for the Government of the General Penitentiary at *Milbank*, and all Powers given by such Act for the Confinement, Employment, and Management of Convicts confined therein, shall be applicable and made available in respect to all Persons removed to and confined in the said Penitentiary by virtue of this Act and the Act before recited.

XV. And whereas by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for the better Regulation of the General Penitentiary for Convicts at Milbank*, it was among other Things enacted, that any Number of Convicts not exceeding Six hundred Male and Four hundred Female Convicts may, with the Approbation of One of His Majesty's Principal Secretaries of State for the Time being, be at One Time imprisoned, confined, employed, and managed in the said Penitentiary, under the Provisions of the said Act and of a certain other Act therein recited: And whereas it is expedient that Power should be given to increase the Number of Male Convicts to be confined in the said Penitentiary; be it therefore enacted, That any Number of Male Convicts not exceeding Eight hundred may, with the Approbation of One of His Majesty's Principal Secretaries of State for the Time being, be at One Time imprisoned, confined, employed, and managed in the said Penitentiary, under the Provisions of the said last-recited Act and a certain other Act therein recited.

XVI. And be it enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

### CAP. XXXIX.

An Act to exempt certain Retailers of Spirits to a small Amount from the additional Duties on Licences; and to discontinue the Excise Survey on Wine, and the Use of Permits for the Removal thereof.

[31st August 1835.]

WHEREAS by an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act to repeal the Duties on Spirits made in Ireland, and to impose other Duties in lieu thereof; and to impose additional Duties on Licences to Retailers of Spirits*, certain additional Rates and Duties of Excise were granted and imposed on Excise Licences taken out by Retailers of Spirits: And whereas it is expedient to exempt from the Payment of such additional Rates and Duties such Retailers of Spirits as do not receive or consume more than

[No. 16. Price 2d.]

Q

Powers contained in Penitentiary Acts extended to all Prisoners confined therein.

repealed by 687 & c 26

800 Male Convicts may be confined in Penitentiary, instead of 600, as limited by 59 G. 3. c. 136.

repealed by 687 & c 26

Act may be altered this Session.

4 & 5 W. 4. c. 75.

Fifty

‘ Fifty Gallons of Spirits in the course of a Year : And whereas  
 ‘ it is deemed unnecessary to continue the keeping Accounts by the  
 ‘ Officers of Excise of the Stocks of Dealers in and Retailers of  
 ‘ Foreign Wine, or the Survey by the Officers of Excise of such  
 ‘ Dealers and Retailers as shall deal in or retail Wine only, and  
 ‘ shall not be Dealers in or Retailers of Spirits, or to continue the  
 ‘ Use of Permits in the Removal of Wine :’ Be it therefore enacted  
 by the King’s most Excellent Majesty, by and with the Advice and  
 Consent of the Lords Spiritual and Temporal, and Commons, in  
 this present Parliament assembled, and by the Authority of the  
 same, That from and after the Tenth Day of *October* One thousand  
 eight hundred and thirty-five no Retailer of Spirits not receiving  
 or consuming more than Fifty Gallons of Spirits in the Year shall  
 be obliged or required to pay the said additional Rates and Duties  
 on taking out or renewing his Licence to retail Spirits ; but every  
 such Retailer shall be entitled to receive, and the Commissioners  
 and Officers of Excise are hereby authorized, empowered, and  
 required to grant, such Licence on Payment of the Rates and  
 Duties payable before the passing of the said recited Act.

Retailers of  
 Spirits not con-  
 suming more  
 than 50 Gallons  
 in the Year not  
 to be required  
 to pay the addi-  
 tional Duties  
 on Licences.

For ascertaining  
 the Quantity of  
 Spirits received  
 and consumed.

II. And be it further enacted, That the Quantity of Spirits  
 received and consumed by any Retailer of Spirits shall for the  
 Purposes of this Act be ascertained and determined by the Quan-  
 tity of Spirits received into the Stock of such Retailer during the  
 Year next preceding the Application by such Retailer to take out  
 or renew his Licence, as appearing either by the Permits granted  
 by or delivered to the Officers of Excise, or by any Stock Account  
 of any Officer of Excise.

So much of any  
 Acts as requires  
 Entries by Deal-  
 ers in Wine,  
 and as autho-  
 rizes Survey by  
 Officers, re-  
 pealed.

III. And be it further enacted, That from and after the passing  
 of this Act so much of any Act or Acts as requires any Dealer in or  
 Retailer of Wine to make Entry of the Premises by him occupied  
 for dealing in or retailing Wine, and as requires the keeping an  
 Account by the Officers of Excise of the Stocks of Wine in the  
 Possession of Dealers or Retailers, and as authorizes the Survey by  
 Officers of Excise of such Stocks and of the Premises in which the  
 same are kept, shall be and the same is hereby repealed.

Retailers of  
 Wine, who also  
 deal in or retail  
 Spirits, to con-  
 tinue to make  
 Entry, and  
 Officers of Ex-  
 cise may enter  
 and examine  
 the Places used  
 for keeping  
 Wine.

IV. Provided always, and be it further enacted, That where any  
 Dealer in or Retailer of Wine shall also be a Dealer in or Retailer  
 of Foreign or *British* Spirits in the same House or Premises, or in  
 any other House or Premises, within Five hundred Yards, such  
 Dealer or Retailer shall continue to make Entry with the Officers  
 of Excise of every House, Room, Cellar, Vault, or Place made use  
 of by him for the keeping or storing of or dealing in or retailing  
 Wine, on pain of forfeiting for every unentered House, Room,  
 Cellar, Vault, or Place, Fifty Pounds, together with all Wine and  
 other Liquors which may be found therein ; and it shall be lawful  
 for any Officer of Excise at any Time to enter into any House,  
 Room, Cellar, Vault, or Place used by any such Dealer or Retailer  
 for keeping or storing, dealing in or retailing Wine, and to examine  
 all Wine therein.

Permits not  
 required for  
 Removal of  
 Wine.

V. And be it further enacted, That so much of any Act or Acts as  
 relates to the requiring of Permits for the Removal of Wine shall  
 be and the same is hereby repealed.

Act not to affect  
 Licences for  
 dealing in Wine.

VI. Provided always, That nothing in this Act contained shall  
 extend, or be deemed or construed to extend, to affect the Duties

on Licences required to be taken out by Dealers in and Retailers of Wine; but that every Dealer in and Retailer of Wine shall take out a Licence or Licences, and pay for the same in the same Manner as if this Act had not been passed.

VII. And be it further enacted, That it shall be lawful for the Commissioners and Officers of Excise, and they are hereby authorized and empowered, to grant Retail Licences to any Person to sell Beer, Spirits, and Wine in any Theatre established under a Royal Patent, or in any Theatre or other Place of Public Entertainment licensed by the Lord Chamberlain or by Justices of the Peace, without the Production by the Person applying for such Licence or Licences of any Certificate or Authority for such Person to keep a common Inn, Alehouse, or Victualling House; any thing in any Act or Acts to the contrary notwithstanding.

Licences may be granted to sell Beer, Spirits, and Wine in Theatres, &c. without the Production of a Certificate.

VIII. And be it further enacted, That this Act or any of the Provisions thereof may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered this Session.

CAP. XL.

An Act to provide for the better Collection of the Duties on Wood the Produce of Places in *Europe*.

[31st August 1835.]

‘ WHEREAS by an Act passed in the Third and Fourth Years of the Reign of His present Majesty, intituled *An Act for granting Duties of Customs*, certain Duties are made payable upon Wood imported from *Europe*, and certain other Duties are made payable upon Wood imported from the *British Possessions in America*; and it is expedient to enforce in all Cases the Payment of the said first-mentioned Duties on all Wood the Produce of *Europe*;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Duties payable under the Authority of the said Act upon Wood imported from *Europe* shall be due and payable upon Wood the Produce of *Europe* although imported from some *British Possession in America*, and that such Duties shall be raised, levied, collected, and paid unto His Majesty in like Manner as if the same had been made so payable in and by the said Act; any thing in that Act, or in any other Act or Acts, to the contrary notwithstanding.

3 & 4 W. 4. c. 56.

Duty to be payable upon Wood the Produce of Europe, although imported from some British Possession in America.

CAP. XLI.

An Act to amend the Law relating to Securities given for Considerations arising out of gaming, usurious, and certain other illegal Transactions. [31st August 1835.]

Repealed as to the duties on usurious & deceitful securities by 17 & 18 Vc 90

‘ WHEREAS by an Act passed in the Sixteenth Year of the Reign of His late Majesty King *Charles* the Second, and by an Act passed in the Parliament of *Ireland* in the Tenth Year of the Reign of His late Majesty King *William* the Third, each of such Acts being intituled *An Act against deceitful, disorderly, and excessive Gaming*, it was enacted, that all and singular Judg-

16 Car. 2. c. 7.

10 Will. 3. (I.)



ments, Statutes, Recognizances, Mortgages, Conveyances, Assurances, Bonds, Bills, Specialties, Promises, Covenants, Agreements, and other Acts, Deeds, and Securities whatsoever, which should be obtained, made, given, acknowledged, or entered into for Security or Satisfaction of or for any Money or other Thing lost at Play or otherwise as in the said Acts respectively is mentioned, or for any Part thereof, should be utterly void and of none effect: And whereas by an Act passed in the Ninth Year of the Reign of Her late Majesty Queen *Anne*, and also by an Act passed in the Parliament of *Ireland* in the Eleventh Year of the Reign of Her said late Majesty, each of such Acts being intituled *An Act for the better preventing of excessive and deceitful Gaming*, it was enacted, that from and after the several Days therein respectively mentioned all Notes, Bills, Bonds, Judgments, Mortgages, or other Securities or Conveyances whatsoever, given, granted, drawn, or entered into or executed by any Person or Persons whatsoever, where the Whole or any Part of the Consideration of such Conveyances or Securities should be for any Money or other valuable Thing whatsoever won by gaming or playing at Cards, Dice, Tables, Tennis, Bowls, or other Game or Games whatsoever, or by betting on the Sides or Hands of such as did game at any of the Games aforesaid, or for the reimbursing or repaying any Money knowingly lent or advanced for such gaming or betting as aforesaid, or lent or advanced at the Time and Place of such Play to any Person or Persons so gaming or betting as aforesaid, or that should, during such Play, so play or bet, should be utterly void, frustrate, and of none effect, to all Intents and Purposes whatsoever; and that where such Mortgages, Securities, or other Conveyances should be of Lands, Tenements, or Hereditaments, or should be such as should incumber or affect the same, such Mortgages, Securities, or other Conveyances should enure and be to and for the sole Use and Benefit of and should devolve upon such Person or Persons as should or might have or be entitled to such Lands or Hereditaments in case the said Grantor or Grantors thereof, or the Person or Persons so incumbering the same, had been naturally dead, and as if such Mortgages, Securities, or other Conveyances had been made to such Person or Persons so to be entitled after the Decease of the Person or Persons so incumbering the same; and that all Grants or Conveyances to be made for the preventing of such Lands, Tenements, or Hereditaments from coming to or devolving upon such Person or Persons thereby intended to enjoy the same as aforesaid should be deemed fraudulent and void and of none effect, to all Intents and Purposes whatsoever: And whereas by an Act passed in the Twelfth Year of the Reign of Her said late Majesty Queen *Anne*, intituled *An Act to reduce the Rate of Interest without any Prejudice to Parliamentary Securities*, it was enacted, that all Bonds, Contracts, and Assurances whatsoever made after the Twenty-ninth Day of *September* One thousand seven hundred and fourteen for Payment of any Principal or Money to be lent or covenanted to be performed upon or for any Usury, whereupon or whereby there should be reserved or taken above the Rate of Five Pounds in the Hundred, as therein mentioned, should be utterly void: And whereas by an Act passed in the Parliament of *Ireland* in the

9 Ann. c. 14.

11 Ann. (I.)

12 Ann. st. 2.  
c. 16.

‘ Fifth Year of the Reign of His late Majesty King *George* the  
 ‘ Second, intituled *An Act for reducing the Interest of Money to* 5 G. 2. (1.)  
 ‘ *Six per Cent.*; it was enacted, that all Bonds, Contracts, and  
 ‘ Assurances whatsoever made after the First Day of *May* One  
 ‘ thousand seven hundred and thirty-two for Payment of any Prin-  
 ‘ cipal or Money to be lent or Covenant to be performed upon or  
 ‘ for any Loan, whereupon or whereby there should be taken or  
 ‘ reserved above the Rate of Six Pounds in the Hundred, should be  
 ‘ utterly void: And whereas by an Act passed in the Fifty-eighth  
 ‘ Year of the Reign of His late Majesty King *George* the Third,  
 ‘ intituled *An Act to afford Relief to the bonâ fide Holders of ne-* 58 G. 3. c. 93.  
 ‘ *gotiable Securities without Notice that they were given for a usurious*  
 ‘ *Consideration*, it was enacted, that no Bill of Exchange or Pro-  
 ‘ missory Note that should be drawn or made after the passing of  
 ‘ that Act should, though it might have been given for a usurious  
 ‘ Consideration or upon a usurious Contract, be void in the Hands  
 ‘ of an Indorsee for valuable Consideration, unless such Indorsee  
 ‘ had at the Time of discounting or paying such Consideration for  
 ‘ the same actual Notice that such Bill of Exchange or Promissory  
 ‘ Note had been originally given for a usurious Consideration or  
 ‘ upon a usurious Contract: And whereas by an Act passed in the  
 ‘ Parliament of *Ireland* in the Eleventh and Twelfth Years of the  
 ‘ Reign of His said late Majesty King *George* the Third, intituled  
 ‘ *An Act to prevent Frauds committed by Bankrupts*, it was enacted, 11 & 12 G. 3.  
 ‘ that every Bond, Bill, Note, Contract, Agreement, or other Se- (1.)  
 ‘ curity whatsoever to be made or given by any Bankrupt or by any  
 ‘ other Person unto or to the Use of or in Trust for any Creditor  
 ‘ or Creditors, or for the Security of the Payment of any Debt or  
 ‘ Sum of Money due from such Bankrupt at the Time of his be-  
 ‘ coming bankrupt, or any Part thereof, between the Time of his  
 ‘ becoming bankrupt and such Bankrupt’s Discharge, as a Consi-  
 ‘ deration or to the Intent to persuade him, her, or them to consent  
 ‘ to or sign any such Allowance or Certificate, should be wholly void  
 ‘ and of no effect, and the Monies there secured or agreed to be  
 ‘ paid should not be recovered or recoverable: And whereas by an  
 ‘ Act passed in the Forty-fifth Year of the Reign of His said late  
 ‘ Majesty King *George* the Third, intituled *An Act for the En-* 45 G. 3. c. 72.  
 ‘ *couragement of Seamen, and for the better and more effectually*  
 ‘ *manning His Majesty’s Navy during the present War*, it was  
 ‘ enacted, that all Contracts and Agreements which should be  
 ‘ entered into, and all Bills, Notes, and other Securities which  
 ‘ should be given, by any Person or Persons for Ransom of any  
 ‘ Ship or Vessel, or of any Merchandize or Goods on board the  
 ‘ same, contrary to that Act, should be absolutely null and void in  
 ‘ Law, and of no effect whatsoever: And whereas by an Act passed  
 ‘ in the Sixth Year of the Reign of His late Majesty King *George*  
 ‘ the Fourth, intituled *An Act to amend the Laws relating to Bank-* 6 G. 4. c. 16.  
 ‘ *rupts*, it was enacted, that any Contract or Security made or given  
 ‘ by any Bankrupt or other Person unto or in Trust for any Creditor,  
 ‘ or for securing the Payment of any Money due by such Bank-  
 ‘ rupt, at his Bankruptcy, as a Consideration or with Intent to  
 ‘ persuade such Creditor to consent to or sign the Certificate of  
 ‘ any such Bankrupt, should be void, and the Money thereby  
 ‘ secured or agreed to be paid should not be recoverable, and the

‘ Party sued on such Contract or Security might plead the General  
 ‘ Issue, and give that Act and the special Matter in Evidence :  
 ‘ And whereas Securities and Instruments made void by virtue of  
 ‘ the several herein-before recited Acts of the Sixteenth Year of  
 ‘ the Reign of His said late Majesty King *Charles* the Second, the  
 ‘ Tenth Year of the Reign of His said late Majesty King *William*  
 ‘ the Third, the Ninth and Eleventh Years of the Reign of Her  
 ‘ said late Majesty Queen *Anne*, the Eleventh and Twelfth Years  
 ‘ of the Reign of His said late Majesty King *George* the Third, the  
 ‘ Forty-fifth Year of the Reign of His said late Majesty King *George*  
 ‘ the Third, and the Sixth Year of the Reign of His said late  
 ‘ Majesty King *George* the Fourth, and Securities and Instruments  
 ‘ made void by virtue of the said Act of the Twelfth Year of the  
 ‘ Reign of Her said late Majesty Queen *Anne* and the Fifth Year  
 ‘ of the Reign of His said late Majesty King *George* the Second,  
 ‘ other than Bills of Exchange or Promissory Notes made valid by  
 ‘ the said Act of the Fifty-eighth Year of the Reign of His said late  
 ‘ Majesty King *George* the Third, are sometimes indorsed, trans-  
 ‘ ferred, assigned, or conveyed to Purchasers or other Persons for  
 ‘ a valuable Consideration, without Notice of the original Consider-  
 ‘ ation for which such Securities or Instruments were given ; and  
 ‘ the Avoidance of such Securities or Instruments in the Hands of  
 ‘ such Purchasers or other Persons is often attended with great  
 ‘ Hardship and Injustice :’ For Remedy thereof be it enacted by  
 the King’s most Excellent Majesty, by and with the Advice and  
 Consent of the Lords Spiritual and Temporal, and Commons, in  
 this present Parliament assembled, and by the Authority of the same,  
 That so much of the herein-before recited Acts of the Sixteenth  
 Year of the Reign of His said late Majesty King *Charles* the Se-  
 cond, the Tenth Year of the Reign of His said late Majesty King  
*William* the Third, the Ninth, Eleventh, and Twelfth Years of the  
 Reign of Her said late Majesty Queen *Anne*, the Fifth Year of the  
 Reign of His said late Majesty King *George* the Second, the  
 Eleventh and Twelfth and the Forty-fifth Years of the Reign of His  
 said late Majesty King *George* the Third, and the Sixth Year of  
 the Reign of His said late Majesty King *George* the Fourth, as  
 enacts that any Note, Bill, or Mortgage shall be absolutely void,  
 shall be and the same is hereby repealed ; but nevertheless every  
 Note, Bill, or Mortgage which if this Act had not been passed  
 would, by virtue of the said several lastly herein-before mentioned  
 Acts or any of them, have been absolutely void, shall be deemed and  
 taken to have been made, drawn, accepted, given, or executed for  
 an illegal Consideration, and the said several Acts shall have the  
 same Force and Effect which they would respectively have had if  
 instead of enacting that any such Note, Bill, or Mortgage should  
 be absolutely void, such Acts had respectively provided that every  
 such Note, Bill, or Mortgage should be deemed and taken to have  
 been made, drawn, accepted, given, or executed for an illegal  
 Consideration : Provided always, that nothing herein contained shall  
 prejudice or affect any Note, Bill, or Mortgage which would have  
 been good and valid if this Act had not been passed.

Securities given  
 for Considera-  
 tions arising  
 out of illegal  
 Transactions  
 not to be void,  
 but to be deemed  
 to have been  
 given for an  
 illegal Consi-  
 deration.

Money paid to  
 the Holder of  
 such Securities  
 shall be deemed

II. And be it further enacted, That in case any Person shall,  
 after the passing of this Act, make, draw, give, or execute any  
 Note, Bill, or Mortgage for any Consideration on account of which

the same is by the herein-before recited Acts of the Sixteenth Year of the Reign of His said late Majesty King *Charles* the Second, the Tenth Year of the Reign of His said late Majesty King *William* the Third, and the Ninth and Eleventh Years of the Reign of Her said late Majesty Queen *Anne*, or by any one or more of such Acts, declared to be void, and such Person shall actually pay to any Indorsee, Holder, or Assignee of such Note, Bill, or Mortgage the Amount of the Money thereby secured, or any Part thereof, such Money so paid shall be deemed and taken to have been paid for and on account of the Person to whom such Note, Bill, or Mortgage was originally given upon such illegal Consideration as aforesaid, and shall be deemed and taken to be a Debt due and owing from such last-named Person to the Person who shall so have paid such Money, and shall accordingly be recoverable by Action at Law in any of His Majesty's Courts of Record.

to be paid on account of the Person to whom the same was originally given.

III. And be it further enacted, That so much of the said Acts of the Ninth and Eleventh Years of the Reign of Her said late Majesty Queen *Anne* as enacts that where such Mortgages, Securities, or other Conveyances as therein mentioned should be of Lands, Tenements, or Hereditaments, or should be such as should incumber or affect the same, such Mortgages, Securities, or other Conveyances should enure and be to and for the sole Use and Benefit of and should devolve upon such Person or Persons as should or might have or be entitled to such Lands or Hereditaments in case the Grantor or Grantors thereof, or the Person or Persons incumbering the same, had been naturally dead, and as if such Mortgages, Securities, or other Conveyances had been made to such Person or Persons so to be entitled after the Decease of the Person or Persons so incumbering the same, and that all Grants or Conveyances to be made for the preventing of such Lands, Tenements, or Hereditaments from coming to or devolving upon such Person or Persons thereby intended to enjoy the same as aforesaid, should be deemed fraudulent and void and of none effect, to all Intents and Purposes whatsoever, shall be and the same is hereby repealed; saving to all Persons all Rights acquired by virtue thereof previously to the passing of this Act.

Repealing so much of recited Acts of 9 & 11 Ann. as enacts that Securities shall enure for the Benefit of Parties in Remainder.

IV. And be it further enacted, That this Act may be altered or repealed by any other Act during this present Session of Parliament.

Act may be altered this Session.

## CAP. XLII.

An Act to authorize the granting of Superannuation Allowances to the Commissioners and Officers of the Courts for the Relief of Insolvent Debtors.

[31st August 1835.]

WHEREAS by an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Offices in His Majesty's Service*, it is enacted, that the Superannuation Allowances authorized by that Act shall extend to all such Civil Offices and Departments as are set forth and enumerated in the Schedule to that Act annexed, and that it should be lawful for the Commissioners of His Majesty's Trea-

4 & 5 W. 4. c. 24.

' sury, by any Order or Warrant under the Hands of any Three  
 ' or more of them, to add to the List of Offices and Departments  
 ' enumerated in the said Schedule any other Offices which then  
 ' existed or might thereafter be created or established, and to place  
 ' the same and the Officers and Persons employed therein under  
 ' the Provisions of that Act; and a Power was thereby given to the  
 ' Commissioners of His Majesty's Treasury, in case it should appear  
 ' to them that any special Circumstances afforded to any Officer or  
 ' Clerk in the several Offices or Departments mentioned in the  
 ' Schedule to the Act, or in the Addition authorized to be made  
 ' thereto, a just Claim to an Amount of Superannuation Allowance  
 ' not authorized by the Act, or exceeding the Amount therein spe-  
 ' cified with reference to the Length of his Services, to grant or  
 ' give Authority for granting any special Superannuation which  
 ' such Officer or Clerk should appear to them to deserve; and it  
 ' was further provided and enacted, that nothing in that Act con-  
 ' tained should authorize the adding to such List any Officers in  
 ' any of His Majesty's Courts at *Westminster* or *Dublin*, or any  
 ' other His Majesty's Courts of Justice elsewhere: And whereas by  
 ' an Act passed in the First Year of the Reign of His late Majesty  
 1 G. 4. c. 119. ' King *George* the Fourth, intituled *An Act for the Relief of Insol-*  
 ' *vent Debtors* in England, it was enacted that it should be lawful  
 ' for His Majesty to appoint a Chief and Two other Commissioners  
 ' for the Relief of Insolvent Debtors, to preside in a Court to be  
 ' called "The Court for the Relief of Insolvent Debtors," and  
 ' certain Officers of such Court were to be appointed as therein  
 ' mentioned, and the said Act was afterwards continued and  
 ' amended, and further Provisions made in relation to said Court,  
 ' by certain other Acts of Parliament: And whereas by an Act  
 ' passed in the First and Second Years of the Reign of His late  
 1 & 2 G. 4. c. 59. ' Majesty King *George* the Fourth, intituled *An Act for the Relief*  
 ' *of Insolvent Debtors* in Ireland, the Lord Lieutenant or other  
 ' Chief Governor or Governors of *Ireland* were empowered to ap-  
 ' point any Number of Persons not exceeding Two, being Bar-  
 ' risters at Law of Ten Years standing at the least, to be His  
 ' Majesty's Commissioners for the Relief of Insolvent Debtors in  
 ' *Ireland*, to preside in a Court to be called "The Court for the  
 ' Relief of Insolvent Debtors," to be held at such Place in *Dublin*  
 ' as should be appointed for that Purpose by the Order of the  
 ' Lord Lieutenant or other Chief Governor or Governors of *Ire-*  
 ' *land* for the Time being, the Salary of each of such Commis-  
 ' sioners to be paid out of the Consolidated Fund, as mentioned in  
 ' such Act: And whereas no Provision has been made by the said  
 ' recited Acts made in the Reign of His late Majesty for granting  
 ' any Superannuation Allowance to any Commissioner or Officer  
 ' of the said Courts respectively, and Doubts have been entertained  
 ' whether any such Superannuation Allowance can be now granted  
 ' under the Provisions of the said in part recited Act of the Fourth  
 ' and Fifth Years of the Reign of His present Majesty, in conse-  
 ' quence of the Exception therein contained as to Officers in any of  
 ' His Majesty's Courts of Justice at *Westminster* or *Dublin*; and it  
 ' is expedient to provide for the granting of such Superannuation  
 ' Allowance: Be it therefore enacted by the King's most Excellent  
 Majesty, by and with the Advice and Consent of the Lords Spiritual  
 and

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act it shall and may be lawful for the Commissioners of His Majesty's Treasury, by any Warrant under the Hands of any Three or more of them, to grant to any Commissioners of the said Courts respectively who from Age or Infirmary of Body or Mind shall be incapable of discharging the Duties of his Office, or whose Office shall be abolished by Law, or cease in consequence of the Expiration of any Act of Parliament, a Superannuation Allowance equal to such Proportion of the Amount of the Salary and Emoluments of his Office as they shall think fit, and to grant to any of the Officers of such Courts respectively who shall be from Age or Infirmary of Mind or Body incapable of discharging the Duties of his Office, or whose Office shall cease or be abolished as aforesaid, a Superannuation Allowance, in the same Manner and upon the same Conditions as it could or might now be granted under the Provisions of the said in part recited Act of the Fourth and Fifth Years of the Reign of His present Majesty if the Officers of the said Courts respectively were mentioned in the Schedule to that Act annexed.

Commissioners of the Treasury authorized to grant Superannuation Allowances to Commissioners and Officers of Insolvent Debtors Courts in England and Ireland.

II. Provided always, however, and be it enacted, That a Statement of the Amount of such Superannuation Allowance, and the Names of the Person or Persons to whom it was granted, shall be laid before Parliament within One Month after the granting thereof, in case Parliament shall be then sitting, and in case Parliament shall not be then sitting, within One Month after the next Meeting of Parliament.

Accounts of such Allowances to be laid before Parliament.

### CAP. XLIII.

An Act for enlarging the Powers of Magistrates in the Appointment of Special Constables.

[31st August 1835.]

WHEREAS by an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace*, it is amongst other Things enacted, that in all Cases where it should be made to appear to any Two or more Justices of the Peace of any County, Riding, or Division having a separate Commission of the Peace, or to any Two or more Justices of the Peace of any Liberty, Franchise, City, or Town in *England or Wales*, upon the Oath of any credible Witness, that any Tumult, Riot, or Felony had taken place, or might be reasonably apprehended, in any Parish, Township, or Place situate within the Division or Limits for which the said respective Justices usually act, and such Justices should be of opinion that the ordinary Officers appointed for preserving the Peace are not sufficient for the Protection of the Inhabitants and the Security of the Property in any such Parish, Township, or Place as aforesaid, then and in every such Case such Justices, or any Two or more Justices acting for the same Division or Limits, are thereby authorized to nominate and appoint, by Precept in Writing under their Hands, so many as they should think fit of the Householders or other Persons (not legally exempt from serving the Office of Constable) residing in such

1 & 2 W. 4. c. 41.

‘ such Parish, Township, or Place as aforesaid, or in the Neighbourhood thereof, to act as Special Constables for such Time and in such Manner as to the said Justices respectively should seem fit and necessary for the Preservation of the Public Peace, and for the Protection of the Inhabitants and the Security of the Property in such Parish, Township, or Place: And whereas it is expedient that the Power of appointing Special Constables given by the said Act should be extended in manner herein-after mentioned:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Persons willing to act as Special Constables under the Provisions of the said Act shall be capable of being appointed and acting, and may be appointed and act as such Special Constables, notwithstanding they may not be resident in such Parish, Township, or Place as aforesaid, or in the Neighbourhood thereof; and every Person appointed and acting as Special Constable under the Provisions of this Act shall have all the same Powers, and be entitled to and enjoy all the same Privileges and Benefits, and be subject to all the same Duties and Liabilities, as the Special Constables appointed or to be appointed under the Provisions of the said Act.

Persons may act as Special Constables in other Parishes than those in which they reside.

Act may be altered this Session.

II. And be it enacted, That this Act may be amended, altered, or repealed by any other Act to be passed in this Session of Parliament.

## CAP. XLIV.

An Act for raising the Sum of Thirteen millions five hundred twenty-one thousand five hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five.

[31st August 1835.]

‘ Most Gracious Sovereign,

‘ **WE**, Your Majesty’s most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to give and grant unto Your Majesty the Sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of His Majesty’s Treasury of the United Kingdom of *Great Britain* and *Ireland* at any Time or Times to cause or direct any Number of Exchequer Bills to be made out at the Receipt of the Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Thirteen millions five hundred twenty-one thousand five hundred and fifty Pounds, in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the

The Treasury may raise 13,521,550*l.* by Exchequer Bills, in like Manner as is prescribed by 48 G. 3. c. 1.

‘ Third

Third, intituled *An Act for regulating the Issue and paying off of Exchequer Bills.*

II. And be it further enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Act shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses or Provisoos had been particularly repeated and re-enacted in the Body of this Act.

The Clauses, &c. in recited Act extended to this Act.

III. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Treasury to apply the Money raised.

IV. And be it further enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be and are hereby charged and chargeable upon and shall be paid and discharged by and out of the first Supplies to be granted in the next Session of Parliament.

Bills to be payable out of Supplies of the next Session.

V. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein payable out of any Aids or Supplies in the Receipt of His Majesty's Exchequer at *Westminster*.

Interest on Exchequer Bills.

VI. And be it further enacted, That all and every the Exchequer Bills to be made forth by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncanceled, shall and may, from and after the Fifth Day of *April* One thousand eight hundred and thirty-six, be received and taken and shall pass and be current to all and every the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable to His Majesty, His Heirs and Successors, and also at the Receipt of the said Exchequer from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to His Majesty, His Heirs and Successors, for or upon any Account, Cause, or Occasion whatsoever, according to the Purport and true Meaning of this Act; and that such of the same Bills as shall be received at the said Exchequer shall and may be locked up and secured as Cash, according to the Course of the said Exchequer settled and established by Law for locking up and securing Monies received in Specie there.

Bills to be current at the Exchequer after April 5, 1836.

VII. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England* to advance or lend to His Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Thirteen millions five hundred twenty-one thousand five hundred and fifty Pounds, any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act*

Bank of England may advance 13,521,550*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

for



for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

## CAP. XLV.

445/1802 An Act to carry into further Execution the Provisions of an Act passed in the Third and Fourth Years of His present Majesty, for compensating Owners of Slaves upon the Abolition of Slavery. [31st August 1835.]

3 & 4 W. 4. c. 73. **W**HEREAS an Act was passed in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the Abolition of Slavery throughout the British Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves:* And whereas a Contract or Agreement for raising the Sum of Fifteen Millions, Part of the Sum of Twenty Millions authorized to be raised by the said recited Act, has been entered into, under the Authority of the said recited Act, between the Lords Commissioners of His Majesty's Treasury and divers Persons willing to contribute the said Sum of Fifteen Millions, bearing Date the Third Day of *August* in this present Year, for carrying into effect the Purposes of the said recited Act; and it is expedient to make Provisions and Regulations whereby the Payments to be made to the several Persons entitled to Compensation under the Provisions of the said Act may be so arranged as to fall due and become payable from Time to Time out of the Monies received from Time to Time under the said Contract as Instalments of the said Sum of Fifteen Millions as such several Instalments shall become due: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners for the Reduction of the National Debt may and they are hereby empowered to issue, under such Forms and Regulations as the said Commissioners shall think proper to adopt for that Purpose, Certificates payable to the Bearer thereof, carrying Interest after the Rate of Two-pence Farthing *per Centum per Diem*; and the Principal Sum specified in such Certificates shall be charged upon and shall be payable out of the Monies received from Time to Time on account of the said Sum of Fifteen Millions standing upon the Account of the said Commissioners for the Reduction of the National Debt in the Books of the Bank of *England*, under the Title of "*The West India Compensation Account*"; and such Certificates shall be made out from Time to Time for a Sum not exceeding in the whole the Principal Sum of Thirteen millions five hundred thousand Pounds Sterling.

Certificates may be issued by the Commissioners for the Reduction of the National Debt, carrying Interest chargeable on the Instalments of the Loan.

Interest of the Certificates chargeable on

II. Provided always, and be it enacted, That the Interest which shall be payable upon the Principal Sums specified in the said Certificates

tificates shall be charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; and the said Commissioners for the Reduction of the National Debt, or the Comptroller General or Assistant Comptroller acting under them, shall certify to the Lords of the Treasury from Time to Time the Sum required to be issued out of the said Consolidated Fund for that Purpose; and upon Receipt of the said Certificate the said Lords of the Treasury, or any Three or more of them, shall by Warrant under their Hands cause the Sum stated in the said Certificates to be issued from Time to Time to the Governor and Company of the Bank of *England*, to be by them placed to the said "*West India Compensation Account*," standing in the Names of the said Commissioners in the Books of the said Bank.

the Consolidated Fund.

III. And be it further enacted, That the said Certificates shall be made out for the whole Amount of the Sum of Money awarded to any Person or Persons under the Provisions of the said recited Act, or in Sums of even Pounds, or the fractional Parts of a Pound Sterling, (save and except that no Fraction less than One Penny shall be contained in any such Certificate,) as the said Commissioners, or the Comptroller General or Assistant Comptroller acting under them, shall deem most convenient; and previous to the Issue of any such Certificates such respective Certificates shall be signed by the said Comptroller General or said Assistant Comptroller, and be countersigned by the Actuary or other Check Officer acting under the said Commissioners, and shall be entered in proper Books kept at the National Debt Office for that Purpose.

Certificates to be made out for the whole Amount, and signed by the Comptroller General or Assistant Comptroller.

IV. And be it enacted, That upon Demand being made for the Payment of any Award for Compensation under the Provisions of the said Act the said Comptroller General or Assistant Comptroller, or other proper Officer of the said Commissioners, may draw upon the Cashiers of the Bank of *England*, on account of the *West India Compensation*, for the Payment of the Sum so demanded, together with the Interest due thereon, (save and except that Interest shall not be computed or allowed upon any fractional Part of a Pound Sterling,) or issue a Certificate or Certificates, made out and signed as herein-before directed, to the Person or Persons, or to his, her, or their Attorney or Attornies, Executors or Administrators, to whom any Sum shall be awarded for Compensation, of the like Amount as the Sum so awarded (the Fractions of a Penny excepted), for the Payment of and in full Satisfaction for the Sum of Money awarded to such Person or Persons respectively under the Provisions of the said Act; and the Principal Sum specified in such Certificate, together with the Interest due thereon (save and except that Interest shall not be computed or allowed on any fractional Part of a Pound Sterling), shall be payable at the Bank of *England* upon the Production of such Certificate or Certificates to the Cashiers of the said Bank; and the said Cashiers are hereby required, upon the Production of the same, to pay the Principal contained in such Certificate or Certificates accordingly, together with the Interest thereon, out of the Monies standing in the Names of the said Commissioners for the Reduction of the National Debt under the Title of "*The West India Compensation Account*" aforesaid, after which the said Certificates shall be cancelled

Comptroller General or Assistant Comptroller, and Officer of the Commissioners of the National Debt, may draw for Payment of Claim, or issue Certificates.

celled by such Cashier or Cashiers, and delivered up to the said Commissioners.

Certificates may be received towards Payment of Instalments on the Loan.

V. Provided always, and be it enacted, That the Cashier or Cashiers of the Bank shall receive as Money from Time to Time from any Person or Persons any of the said Certificates which shall be presented to them in payment of the Whole or of any Part of any Instalment due from Time to Time upon the said Fifteen Millions; and in all such Cases the Interest which shall happen to be then due upon the said Certificate or Certificates presented to such Cashier or Cashiers at the Time of paying up any Instalment shall be added to the Principal Sum stated in such Certificate, and shall be received and accounted as one entire Sum.

The Interest of the Compensation of Twenty Millions to be chargeable on the Consolidated Fund from 1st Aug. 1834.

VI. ' And whereas it is expedient to make Provision for the ' Payment of the Interest which will become payable in respect of ' the Sum of Twenty Millions of Pounds Sterling directed by the ' said recited Act to be paid to the Persons entitled to Compen- ' sation under the Provisions of the said Act;' be it therefore enacted, That the Interest upon the said Sum of Twenty Millions shall be after the Rate of Three Pounds Seven Shillings and Eightpence *per Centum per Annum*, which Interest shall commence and be paid to such Person or Persons from the First Day of *August* One thousand eight hundred and thirty-four exclusive, up to and including the Day of the Payment of the Principal Sum awarded to such Person respectively, or up to and including the Date of the said Certificate or Certificates (in case a Certificate shall be issued to such Person or Persons in lieu of paying the Sum awarded in Money), as the Case may be, save and except that Interest shall not be computed or allowed upon any fractional Part of a Pound Sterling; and the said Interest shall be charged upon and payable out of the said Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; and the said Comptroller General or Assistant Comptroller shall certify to the Lords of the Treasury the Sum required for the Payment of all such Interest; and upon Receipt of the said Certificate the said Lords or any Three or more of them shall thereupon, by Warrant under their Hands, cause the Sum mentioned in the said Certificate to be issued out of the said Consolidated Fund to the Governor and Company of the Bank of *England*, to be by them placed to the said Account of the Commissioners for the Reduction of the National Debt, on account of "The *West India* Compensation"; and the said Comptroller General or Assistant Comptroller, or other proper Officer of the said Commissioners, are hereby respectively authorized to draw upon the said Account from Time to Time for the Payment of the said Interest to the several Persons entitled thereto, or to his, her, or their respective Attorney or Attornies, Executors or Administrators.

Expences of the Execution of the Act of 3 & 4 W. 4. to be deducted out of the Interest.

VII. ' And whereas the Lords Commissioners of the Treasury ' are by the said recited Act authorized to cause to be advanced ' out of the said Sum of Twenty Millions all such Sums as may be ' necessary for the Payment of all Allowances, and defraying all ' other necessary Charges and Expences in and about the Exe- ' cution of the Commission under the said recited Act;' be it there- fore enacted, That the said Lords of the Treasury or any Three or more

more of them, previously to the issuing out of the said Consolidated Fund the Sum required for the Payment of the Interest on the said Sum of Twenty Millions, may order and direct to be set apart therefrom the Sum required to defray the Expences attending the carrying into execution the Provisions of the said recited Act.

VIII. ' And whereas it is enacted by the said recited Act, that  
' no Part of the said Sum of Twenty Millions of Pounds Sterling  
' shall be applied or shall be applicable to the Purposes aforesaid,  
' for the Benefit of any Person now entitled to the Services of any  
' Slave in any of the Colonies therein mentioned, unless an Order  
' shall have been first made by His Majesty, with the Advice of  
' His Privy Council, declaring that adequate and satisfactory Pro-  
' vision hath been made by Law in such Colony for giving effect  
' to the said Act by such further and supplementary Enactments  
' therein referred to, nor unless a Copy of such Order in Council,  
' duly certified by One of the Clerks in Ordinary of His Majesty's  
' Privy Council, shall by the Lord President of the Council have  
' been transmitted to the Lords Commissioners of His Majesty's  
' Treasury or to the Lord High Treasurer for the Time being,  
' for their or his Guidance or Information: And whereas no Order  
' of the King in Council has been made declaring that adequate  
' and satisfactory Provision hath been made by Law in the Colony  
' of *Barbadoes* for giving effect to the said recited Act by such  
' further and supplementary Enactments as are specified in the  
' said recited Act; be it therefore enacted, That in order to pro-  
vide for the Payments of the several Sums which may be awarded  
to the several Persons in the said Colony entitled to Compensation  
under the Provisions of the said Act, when and as soon as the  
Provisions of the said Act shall have been duly complied with as  
aforesaid, that immediately after the passing of this Act there shall  
be written in and placed to the Credit of the said Commissioners  
for the Reduction of the National Debt, in the Books of the said  
Bank, by the Accountant General for the Time being of the said  
Governor and Company, in a new and separate Account under the  
Title of " The Compensation Account of the Colony of *Bar-  
badoes*," the Sum of One million seven hundred and thirty-four  
thousand three hundred and fifty-three Pounds Twelve Shillings  
and Seven-pence of Capital of Reduced Annuities, bearing Interest  
after the Rate of Three Pounds and Ten Shillings *per Centum per  
Annum*, such Capital in the said Annuities being equivalent to the  
Sum of One million seven hundred and twenty-one thousand three  
hundred and forty-five Pounds Nineteen Shillings and Seven-pence  
Sterling, estimating the Price of such Three Pounds and Ten Shil-  
lings *per Centum per Annum* Annuities after the Rate of Ninety-  
nine Pounds Five Shillings Sterling for every One hundred Pounds  
of such Reduced Three Pounds Ten Shillings *per Centum per  
Annum* Annuities, such Price being the Average Price of the ex-  
isting Reduced Three Pounds and Ten Shillings *per Centum per  
Annum* Bank Annuities on the Third Day of *August* One thousand  
eight hundred and thirty-five, being the Day, on which the said  
Contract was entered into as aforesaid; which Sum of One million  
seven hundred and thirty-four thousand three hundred and fifty-  
three Pounds Twelve Shillings and Seven-pence shall be added to  
and consolidated with and shall be deemed and taken as Part of  
and

Provision has  
not been made  
by Barbadoes  
as required by  
recited Act.

Creation of a  
Fund to provide  
Compensation  
for Barbadoes  
when the Pro-  
visions of the  
Act have been  
complied with.

and be subject to all the Conditions attending the Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities existing at the Time of the passing of this Act, forming Part of the Public Debt of the United Kingdom of *Great Britain and Ireland*, and shall be assignable and transferrable and redeemable accordingly; and the Dividends and Charges of Management arising upon the said Sum of One million seven hundred and thirty-four thousand three hundred and fifty-three Pounds Twelve Shillings and Seven-pence Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities shall be chargeable and the same are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, the first half-yearly Payment whereof shall commence from the Tenth Day of *October* One thousand eight hundred and thirty-five exclusive; and so much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer in *England*, out of the Consolidated Fund of *Great Britain*, to the said Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the said Annuities to be created in respect of the said Sum of One million seven hundred and twenty-one thousand three hundred and forty-five Pounds Nineteen Shillings and Seven-pence, together with the Charges attending the same.

Stock may be transferred for Payment of Claimants in Barbadoes.

IX. And be it further enacted, That upon Application to the said Commissioners for the Reduction of the National Debt for the Payment of any Sum which shall hereafter be awarded to any Person or Persons in the said Colony of *Barbadoes* for Compensation under the Provisions of the said Act, when the Provision of the said recited Act shall have been complied with as aforesaid, the said Commissioners shall transfer or cause to be transferred from the said Account to the Person or Persons entitled to such Compensation such a proportionate Amount of the said Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities, in satisfaction of the Sum awarded to such Person or Persons, as the whole Sum of One million seven hundred and twenty-one thousand three hundred and forty-five Pounds Nineteen Shillings and Seven-pence Sterling shall bear to the whole Capital of the said Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities to be created under the Provisions of this Act.

Indemnity to Commissioners, &c.

X. And be it further enacted, That the several Payments which shall be made by the said Commissioners for the Reduction of the National Debt, under the Provisions of the said Act or of this Act, to the Persons entitled to Compensation, or to his, her, or their respective Attorney or Attornies, Executors or Administrators, shall be deemed to be a final Payment (and against which there shall be no Appeal) in full of all Demands of the Sum of Money so awarded, and shall be a Bar to and against any Claim which may hereafter be set up or attempted to be set up or made by any other Person or Persons whomsoever against the said Commissioners or any Officer or Officers of the said Commissioners to the Sum so awarded: Provided always, that nothing herein contained shall prevent or prejudice any Person or Persons from prosecuting such Claim against the Person or Persons to whom Payment shall have been made by the said Commissioners as aforesaid under the Provisions

Provisions of this Act; and the said Commissioners and the said Comptroller General and Assistant Comptroller, or other proper Officer acting under the said Commissioners, and also the said Governor and Company and their Cashier or Cashiers, shall be and they are hereby severally indemnified and saved harmless from all or any Suit or Action, at Law or in Equity, for any Act or Acts done or performed by them respectively in carrying into execution the Provisions of this Act or of the said recited Act.

XI. And be it further enacted, That the said Contract for raising the said Sum of Fifteen Millions, and all Receipts for Stock and Transfers of Stock, and all Certificates given or made under the Provisions of this Act, or issued by the Commissioners for the Reduction of the National Debt, or by the Comptroller General or Assistant Comptroller, or by any other Officer of the said Commissioners, shall be exempted from Stamp Duty.

Exemptions  
from Stamp  
Duties.

XII. And be it further enacted, That if any Person or Persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the Whole of or any Part or Parts of the Contributions towards the said Sum of Fifteen Millions, either with or without the Name or Names of any Person or Persons being inserted therein as the Contributor or Contributors thereto, Payer or Payers thereof, or of any Part or Parts thereof, or any Certificate or other Instrument to be issued by the Commissioners for the Reduction of the National Debt, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, Certificate or Certificates, Instrument or Instruments, with Intent to defraud the Governor and Company of the Bank of *England*, or the Commissioners for the Reduction of the National Debt, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

Persons coun-  
terfeiting Re-  
ceipts for Con-  
tributions, &c.  
guilty of Felony.

XIII. And be it further enacted, That no Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of His Majesty's Subjects for receiving or paying the said Subscription or Contribution Monies or any of them, or for any Receipt concerning the same, or for paying the said Annuities or any of them, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager of Law, Injunction or Order of Restraint, or any more than One Impar lance, shall be granted or allowed.

No Fee to be  
taken for re-  
ceiving Contri-  
butions, or pay-  
ing or trans-  
ferring Annui-  
ties, on Penalty  
of 20*l*.

XIV. ' And whereas certain Claims for Compensation under the ' Provisions of the said recited Act may be subject to Litigation ' before the Commissioners of Arbitration appointed thereunder, [No. 17. *Price 2d.*] R ' and

For investing  
the Compensa-  
tion Funds of  
litigated Claims.

and also in the Courts of the several Colonies, and the final Settlement of such Claims may therefore be postponed to a distant Period: And whereas it is expedient to authorize the Commissioners for the Reduction of the National Debt to transfer the said Compensation Funds so under Litigation as herein-after mentioned; be it enacted, That in all such Cases it shall be lawful for the Lords Commissioners of His Majesty's Treasury to direct the Commissioners for the Reduction of the National Debt to pay over from Time to Time, if the Lords of the Treasury shall deem it expedient so to do, into the Bank of *England* in the Name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, in Trust for the Purposes herein-after mentioned, (any thing in any general Rules framed by the said Commissioners of Arbitration under any of the Clauses of the said recited Act to the contrary notwithstanding,) all such Sums of Money as shall from Time to Time be certified by the said Commissioners of Arbitration, according to the Provisions of the said Act, to be the Subject of any Suit in any of the said Courts of any of the said Colonies respectively, or of any Claim before the said Commissioners against which any counter Claim shall have been filed without any special Order for that Purpose, or other Authority than this Act, and whether such Courts of Chancery or Exchequer respectively shall be sitting or not, and such Sums shall be carried to new Accounts in the Books of the said Bank of *England* under the Title of "The litigated *West India* Compensation Account of the Court of Chancery," or "The litigated *West India* Compensation Account of the Court of Exchequer," as the Case may be; and such Monies, when so paid in, shall be placed to the Account of the Number of the Claim as stated and specified in the said Certificate of the said Commissioners; and such Monies, and the half-yearly Dividends arising from the Investments thereof, and also the Dividends on all future Investments as they arise and become due, shall be invested from Time to Time by the said Accountants General in their Names respectively, under the Authority of this Act, in Three *per Cent.* Consolidated Bank Annuities, to the said respective Accounts; and the said Bank Annuities purchased with the said Compensation Monies so invested as aforesaid, and the said Accumulations, shall be paid and transferred to the Person or Persons to whom the same shall be directed to be paid or transferred by any Adjudication or Award of the said Commissioners of Arbitration duly certified according to the Provisions of the said recited Act, or by the Decree, Order, or Judgment of the Court in the Colony made in the said Suit there depending, or any Court of Appeal; and a Copy of such Decree, Order, or Judgment of the Court in the Colony, or Court of Appeal, signed by the proper Officer of such Court, shall be sufficient Evidence of such Decree, Order, or Judgment to the Accountants General of the said Courts of Chancery or Exchequer: Provided always, that all Orders and Decrees made by any of the Courts in the said Colonies respectively, or the Courts of Appeal, or any Adjudication or Award of the said Commissioners of Arbitration duly certified, according to the Provisions of the said Act, shall be valid and effectual for the Purpose of authorizing the Demand upon and Payment by the Accountants General respectively of the said Courts of Chancery and Exchequer of the Sums

Sums included in such Orders, Decrees, Adjudications, or Awards respectively.

XV. And be it further enacted, That the said Accountant General of the Court of Chancery and the said Accountant General of the Court of Exchequer shall be and they are hereby severally and respectively indemnified and saved harmless from all or any Suit or Action, at Law or in Equity, for any Act to be done or performed by them in carrying into execution the Provisions of this Act or in acting under the same, and shall not be held or taken to be responsible for or liable to make good any Payment of Money or Transfer of Bank Annuities erroneously made by them respectively, unless the same shall have been occasioned by the wilful Default or Negligence of the said Accountant General respectively.

Indemnification to Accountants General of Chancery and Exchequer.

XVI. And be it further enacted, That it shall and may be lawful for the said Accountant General of the Court of Chancery and the said Accountant General of the Court of Exchequer respectively to nominate and appoint a fit and proper Person to do and perform all or any of the Acts and Duties imposed upon the said Accountants General by this Act, and that the Acts of the said Deputies shall be as valid and effectual as if the same had been done by the said Accountants General themselves.

Accountants General may appoint a Deputy, whose Acts shall be valid.

XVII. And be it further enacted, That if any Person or Persons shall be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them against any such Plaintiff or Plaintiffs.

Persons sued may plead the General Issue.

Treble Costs.

## CAP. XLVI.

An Act to amend, until the End of the next Session of Parliament, an Act of the Second Year of His present Majesty, for making Provision for the Dispatch of the Business now done by the Court of Exchequer in Scotland.  
[31st August 1835.]

‘ WHEREAS by an Act passed in the Second Year of the  
‘ Reign of His present Majesty, intituled *An Act for making*  
‘ *Provision for the Dispatch of the Business now done by the Court*  
‘ *of Exchequer in Scotland*, it is amongst other Things enacted,  
‘ that if at any Time after the passing of the said Act the Number  
‘ of the Barons of the said Court shall be reduced, or after the  
‘ Retirement or Decease of the last remaining Baron, then and in  
‘ such Case it shall and may be lawful during the Indisposition or  
‘ Absence of the Baron and Barons of such Court to which the  
‘ same shall be reduced, or of the Judge of the Court of Session to  
‘ be appointed to try the Suits and Causes in the said Court, to  
‘ and for the Judge of the Court of Session, officiating as Lord  
‘ Ordinary upon the Bills for the Time being, to grant Warrant

2 W. 4. c. 54.



' for the issuing of all Commissions to find Debts, and Fiats for  
 ' the issuing of all Writs and Extents, and other Process issuable  
 ' out of the said Court of Exchequer, and also to revise such Sig-  
 ' natures for the granting of Crown Charters as may be of an  
 ' urgent Nature and require Dispatch, in like Manner and to as  
 ' full Force and Effect as the Lord Chief Baron or other Barons  
 ' of the said Court are by Law authorized to do: And whereas the  
 ' Lord Chief Baron and One of the Barons of the said Court of  
 ' Exchequer have retired since the passing of the said Act, and the  
 ' Powers and Duties of the said Court of Exchequer are now dis-  
 ' charged by the sole remaining Baron of the said Court: And  
 ' whereas, in consequence of the continued Indisposition of the said  
 ' sole remaining Baron, it has become expedient to provide more  
 ' effectually for the proper Dispatch of the Business of the said  
 ' Court of Exchequer: Be it therefore enacted by the King's  
 most Excellent Majesty, by and with the Advice and Consent of  
 the Lords Spiritual and Temporal, and Commons, in this present  
 Parliament assembled, and by the Authority of the same, That at  
 any Time after the passing of this Act it shall and may be lawful,  
 during the Indisposition or unavoidable Absence of the said sole  
 remaining Baron of the Court of Exchequer, or of the Judge of the  
 Court of Session, to be appointed to try the Suits and Causes in  
 the said Court, and perform the other Duties thereof in the said  
 recited Act mentioned, to and for the Judge of the Court of Ses-  
 sion officiating as Lord Ordinary upon the Bills for the Time  
 being to try all Suits and Causes in the said Court of Exchequer,  
 either in Term or out of Term, as he shall appoint, to grant  
 Warrant for the issuing of all Commissions to find Debts, and  
 Fiats for the issuing of all Writs of Extent and other Process  
 issuable out of the said Court of Exchequer, and to revise, com-  
 pound, and pass Signatures for the granting of Crown Charters,  
 and generally to perform all the Powers and Duties of the said  
 Court of Exchequer, as fully and effectually as the Lord Chief  
 Baron, Barons, and sole remaining Baron of the said Court were  
 and are by Law authorized to do; any thing in the said recited  
 Act to the contrary notwithstanding.

In case of  
 Indisposition  
 of remaining  
 Baron of Court  
 of Exchequer,  
 Judge of Court  
 of Session to try  
 Suits in the  
 Exchequer  
 Court.

Duration of  
 Act.

II. And be it further enacted, That this Act shall continue in  
 force until the End of the next Session of Parliament.

## CAP. XLVII.

An Act to repeal so much of an Act passed in the Third  
 and Fourth Years of His present Majesty as relates to  
 the Amount of the Salary granted to the Clerk of the  
 Crown in Chancery; and to make other Provisions in  
 relation to the said Office. [31st August 1835.]

' **W**HEREAS by an Act passed in the Third and Fourth  
 ' Years of the Reign of His present Majesty, intituled *An*  
 ' *Act to provide for the Performance of the Duties of certain Offices*  
 ' *connected with the Court of Chancery which have been abolished,*  
 ' the Salary of the Clerk of the Crown in Chancery was fixed at  
 ' Eight hundred Pounds *per Annum*, in full Satisfaction for the  
 ' Duties of the said Office, and of all Expences incident to the  
 ' Performance

3 & 4 W. 4. c. 84.

748 v 77

Performance thereof: And whereas the Expences of the said Office vary, and in some Years may be so great as to leave a very inadequate Sum for the Salary of the Clerk of the Crown; and it is expedient to make Provision for securing to that Officer a proper Remuneration for the responsible Duties performed by him, and for the Payment of the reasonable and necessary Expences of his Office: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act by which the yearly Salary of Eight hundred Pounds is granted to the Clerk of the Crown in Chancery, in full Satisfaction for the Duties of the said Office, and of all Expences incident to the Performance thereof, shall be and the same is hereby repealed; and instead and in lieu thereof there shall be paid to the said Clerk of the Crown for the Time being the yearly Salary of Five hundred Pounds, free and clear from all Deductions on account of the Expences incident to the Performance of the Duties of the said Office; and the said Salary of Five hundred Pounds shall be issued and payable out of and be charged and chargeable upon the same Fund as the before-mentioned yearly Salary of Eight hundred Pounds was directed to be issued out of and made chargeable upon by the said recited Act.

Repealing so much of recited Act as grants a Salary of 800*l.* to the Clerk of the Crown, and granting a clear Salary of 500*l.* in lieu thereof.

II. And be it further enacted, That it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury, for the Time being, and he and they is and are hereby required, by Warrant under his or their Hands, to allow to the said Clerk of the Crown, for his Clerks, and for the other incidental and necessary Expences of his Office, such Sum *per Annum* as he or they shall deem reasonable and proper; and the Sum so allowed as aforesaid shall be paid and payable out of and be charged and chargeable upon the Fees and Emoluments taken and received in the Office of the said Clerk of the Crown; and the Residue only of the said Fees and Emoluments, after Payment of the said Expences, shall be paid and payable into the Receipt of His Majesty's Exchequer, and be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any thing in the said recited Act to the contrary notwithstanding.

The Treasury may allow the Expences of the Office of the Clerk of the Crown, and direct the same to be paid out of the Fees.

III. Provided always, and be it further enacted, That it shall be lawful for the said Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury, from Time to Time to reduce or increase the Amount to be allowed to the said Clerk of the Crown for such Expences of his Office as Occasion may be or require.

Treasury may vary the Allowance for Expences.

IV. And be it further enacted, That the said yearly Salary of Five hundred Pounds hereby granted to the Clerk of the Crown in Chancery, together with such annual Sum as shall be allowed by the said Lord High Treasurer or Commissioners of His Majesty's Treasury for the Clerks and other incidental Expences of the said Office as aforesaid, shall commence on and be payable from the Fifteenth Day of *November* One thousand eight hundred and thirty-four, when the present Clerk of the Crown was appointed, and shall from Time to Time be paid and payable, charged and

Salary and Sum allowed for Expences to commence and be payable from the 15th November 1834, and be paid quarterly.

and chargeable quarterly on the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in each Year.

The Treasury and the Lord Chancellor may alter and vary the Scale of Fees whenever they shall think it expedient.

V. And be it further enacted, That it shall and may be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury, together with the Lord Chancellor, or the Lord Keeper or Lords Commissioners for the Custody of the Great Seal of *Great Britain*, whenever it shall appear to them expedient so to do, to alter and vary the Scale of Fees to be demanded and taken by the Clerk of the Crown in Chancery; and such Scale of Fees, when so altered and settled, shall be deemed to be the lawful Fees appertaining and belonging to the Office of the Clerk of the Crown, and shall and may be demanded and taken accordingly; and the whole of the Fees and Emoluments which have been received by the present Clerk of the Crown since the Date of his Appointment, and which may hereafter be received in the said Office, shall be accounted for by the said present Clerk of the Crown, and by his Successors, to the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, at such Times and in such Form and Manner as he or they shall think fit to direct; and the Amount of such Fees and Emoluments, after deducting from and paying thereout the necessary Expences of the said Office so sanctioned and allowed as aforesaid, shall be paid by the Clerk of the Crown for the Time being into the Receipt of His Majesty's Exchequer within Ten Days from the Time of rendering the Account thereof as aforesaid; and such Amount shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Fees to be accounted for as the Treasury may direct.

## CAP. XLVIII.

An Act for the better Prevention and more speedy Punishment of Offences endangering the Public Peace in *Ireland*.

[31st August 1835.]

‘ WHEREAS heinous and systematic Outrages and Disturbances of the Peace have from Time to Time prevailed in several Parts of *Ireland*, and it is expedient to provide for the speedy and effectual Prosecution and Suppression of such Offences;’ be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Lord Lieutenant of *Ireland*, by and with the Concurrence of His Majesty's Privy Council in *Ireland*, from Time to Time, as Occasion shall require, to order and direct that an Extraordinary Court of General Sessions of the Peace shall be holden in and for any County in *Ireland*, at such Place or Places therein, and at such Time or Times, as such Lord Lieutenant and Council may deem proper; and such Lord Lieutenant shall thereupon nominate and appoint One of His Majesty's Serjeants or Counsel to preside at any such Sessions or any Adjournment thereof, and act as Chairman thereof; and such Serjeant or Counsel, so long as he shall continue to hold the said Office, shall, without further

Lord Lieutenant in Council may order an Extraordinary Court of General Sessions to be holden for any County in *Ireland*.

Further Appointment or Commission, have all the Powers of a Justice of the Peace in, of, and for the County in which such Extraordinary Court of Sessions of the Peace shall be holden, and shall receive such Sum, not exceeding Ten Guineas for each Day during which he shall be so engaged, as to such Lord Lieutenant shall seem fit.

II. And be it enacted, That each such Court shall have and exercise all Rights, Powers, Jurisdictions, Privileges, Authorities, Functions, and Capacities appertaining, incident, or belonging to any Court of Oyer and Terminer and General Gaol Delivery, or to any Court of General Quarter Sessions of the Peace, provided that no Person shall be indicted or tried before such Court for any Offence rendering the Person convicted thereof liable to the Punishment of Death; and that every Justice of the Peace, Coroner, Clerk of the Crown, and Clerk of the Peace, and other Person who may have any Recognizance, Information, Inquisition, Examination, Deposition, or other Document which would have been returnable to the next Court of Oyer and Terminer and General Gaol Delivery or General or Quarter Sessions for the same County, shall return the same to the said Extraordinary Court holden in pursuance of such Order and Direction, if relating to any Offence or Matter cognizable by such Court; and that all Sheriffs, Clerks of the Crown and of the Peace, Constables, and other Officers, bound to attend at any Sessions of the Peace or Assizes, shall be in like Manner bound to attend at such Courts to be holden under the Provisions of this Act, and obey the Orders thereof.

Such Court to have Powers of any Court of Oyer and Terminer, &c.,

Sheriffs and other Officers bound to attend it.

III. And be it enacted, That all Prosecutors, Traversers, Offenders, Witnesses, and others, who shall be bound by Recognizance or otherwise to appear at any ordinary Sessions of the Peace or Assizes, or other Court of Criminal Jurisdiction for such County, shall, upon being duly served Ten Days previous to the holding of such Extraordinary Court of Sessions with a Notice or Summons on behalf of His Majesty, either personally, or by leaving the same at his, her, or their usual or last Place of Abode, attend at such Extraordinary Court of Sessions, and prosecute, abide Trial, appear, or give Evidence at the same, in like Manner as any such Person would be bound to do at any Court specified in any such Recognizance, or at which such Person would be otherwise bound to appear; and in case of Default of any such Person in that Behalf, such Person and every Surety for him shall be liable as for a Breach of such Recognizances in like Manner as if the Condition thereof had been violated by a like Default with respect to the Court specified therein; but if the Person bound in such Recognizance shall appear at such Extraordinary Court to be holden under this Act, and shall prosecute, abide Trial, give Evidence, or be ready to give Evidence before the Grand Jury and upon the Trial, as the Case may be, then the said Recognizances shall be discharged in like Manner as if the Condition thereof had been fulfilled according to the Terms thereof.

Prosecutors, Offenders, Witnesses, &c. shall be bound to attend thereat on receiving a written Notice to that Effect.

IV. Provided always, and be it enacted, That the Clerk of the Peace for the County in which any such Extraordinary Court of Sessions shall be directed to be holden under the Authority of this Act shall cause the Time and Place appointed for holding the same

Notice to be given by the Clerk of the Peace of the Time and Place to

for holding such Court.

Court may adjourn from Time to Time and Place to Place, until Termination of its Sitting, as fixed by Order of Lord Lieutenant in Council.

Grand Jury.

Offenders to be tried forthwith, unless Court shall otherwise order.

Proceedings not to be removed by Certiorari, &c.

Carrying or concealing Fire-arms in certain Cases to be deemed a Misdemeanor.

Lord Lieutenant, on Presentment of Grand Jury, may direct such Court to issue a Notice enjoining the

to be notified in the usual Manner of notifying the holding of General or Quarter Sessions, or Adjournments thereof, or otherwise as the said Lord Lieutenant shall direct; and that the necessary and proper Expences to be thereby incurred shall be raised by Presentment of the Grand Jury at the Assizes of the County, in like Manner as the other Expences incurred in the Discharge of the necessary and accustomed Duties of such Clerk of the Peace are defrayed.

V. And be it enacted, That each such Extraordinary Court of Sessions shall continue to sit, and shall adjourn from Time to Time and Place to Place as Convenience may require, until such Day as shall be specified for the Termination thereof in and by a like Order to be made by the said Lord Lieutenant of *Ireland* in Council; and that for the Purposes of each such Session, and during the Continuance thereof, such Precepts, Writs, Warrants, Processes, and other Means for enforcing the Attendance thereof of Grand Jurors, Petty Jurors, Witnesses, Traversers, Offenders, and other Persons, shall and may be issued and returned, and Juries impannelled, in like Manner as in ordinary Cases of proceeding at any Court of Criminal Jurisdiction: Provided always, that the Names of the Persons returned to serve on the Grand Jury at any such Session shall be taken from the "Special Jurors List" of such County.

VI. And be it enacted, That no Traverse in prox. shall be received or allowed at any such Court, but that every Person charged with any Offence thereof shall plead forthwith, and the Trial be directly proceeded upon, unless the Court shall, upon sufficient Matter disclosed by Affidavit, think fit in its Discretion to postpone such Trial according to the Course of any Court of Oyer and Terminer, General Gaol Delivery, or General or Quarter Sessions, either to any subsequent Sitting or Adjournment of such Extraordinary Court, or to any other Court of Oyer and Terminer and General Gaol Delivery, or General or Quarter Sessions of the Peace, or Adjournment thereof, for the same County.

VII. And be it enacted, That no Proceeding of or at any Extraordinary Court of General Sessions holden under the Authority of this Act shall, before Trial and Judgment, be removed into His Majesty's Court of King's Bench by Writ of Certiorari or otherwise.

VIII. And be it enacted, That any Person not duly authorized by Law to keep Fire-arms who shall be found, between Sunset and Sunrise, with Fire-arms or other offensive Weapons in his Possession, in any Place save his own Dwelling House, or any Person not duly authorized by Law to keep Fire-arms who shall be found, at any Hour of the Day or Night, with any loaded or concealed Fire-arms or offensive Weapon, within any County in which any Court holden under this Act shall be then acting, shall be deemed to be guilty of a Misdemeanor.

IX. And whereas Infractions of the Law and Violations of the Public Peace are frequently contrived and committed by nocturnal Assemblies of disorderly Persons, and it is desirable to provide under proper Regulations some Check to such Meetings; be it therefore enacted, That if the Grand Jury impannelled at any such Sessions to be holden under this Act shall make a Presentment

to

to the Court that a Necessity exists for taking Measures to suppress nocturnal Meetings, such Presentment shall be transmitted by the Chairman to the said Lord Lieutenant, together with the Opinion of the Court thereon; and it shall and may be thereupon lawful for the said Lord Lieutenant, with the Advice of His Majesty's Privy Council, to authorize and direct such Court to issue a Notice, enjoining the Inhabitants of such County or any Part thereof, or of any adjacent County to be specified therein, to be and remain within their respective Lodgings and Habitations at all Hours between One Hour after Sunset and Sunrise, from and after such Day as shall be named and specified therein for that Purpose, and warning them that all Persons who may be found abroad or absent from their respective Habitations during such Hours, save upon some lawful and proper Occasion, will be liable to be punished as guilty of an Offence under the Provisions of this Act; and such Notice shall be printed and posted on some conspicuous Place in each Town and Village within each Barony or Half Barony of such County, or if the same be a County of a City or Town, on the principal Places for posting Notices within the same.

Inhabitants of Places therein specified to remain within their Habitations at Night.

X. And be it enacted, That any Male Person who shall be between One Hour after Sunset and Sunrise, at any Time after the Day specified in any such Notice, abroad in any Field, Road, or elsewhere out of his Habitation or Lodging, within any County or District specified in such Notice, save upon some lawful and proper Occasion, shall be deemed to be guilty of a Misdemeanor; and that any Magistrate or Constable of Police who shall find any Person so abroad, within such Hours and within such County or District, shall, at his Discretion, have Power and Authority to apprehend such Person; and he shall be committed and detained until Trial, unless held to Bail by some Person thereto authorized.

Any Person found abroad in the Night after such Notice, in any Place specified therein, shall be deemed guilty of a Misdemeanor.

XI. And be it enacted, That at any Time after the Day named and specified in such Notice it shall be lawful for the Court at any such Session to issue a Warrant, signed by the Chairman thereof, and countersigned by the Clerk of the Peace, and directed to One or more Magistrate or Magistrates, Chief Constable or Chief Constables of Police, authorizing him or them, at any Time from One Hour after Sunset until Sunrise, to demand and require that any or every Person being an Inhabitant or Inmate of any House or Building within the County or District specified in such Notice shall come forth and show himself or themselves; and if any such Person shall not so come forth and show himself within Ten Minutes after he shall be so required he shall be deemed to be then absent, and shall be certified in Writing to be so to the said Court by the Person or Persons by whom he may have been so required to appear; and every Owner of any House within such District shall, within Twenty-four Hours after he shall have been required by any Magistrate or Chief Constable so to do, deliver to such Magistrate or Chief Constable a List of the Names of every Inmate or Inhabitant in his House; and every such Owner who shall neglect or refuse so to do shall forfeit for every such Neglect or Refusal a Sum not exceeding Ten Shillings, on Conviction before a Magistrate in a summary Manner for such Neglect or Refusal, and in default of Payment, on Demand, of the Sum so forfeited, may be imprisoned for any Term not exceeding One Week; and the Amount of the Sum so forfeited

After the Day named in such Notice, Court may authorize by Warrant domiciliary Visits in Places therein specified, &c.

forfeited shall and may be levied by a Sale of his Goods and Chattels in case he shall not suffer such Imprisonment.

As to the Execution of such Warrants.

XII. Provided always, and be it enacted, That no such Warrant as aforesaid shall be executed or proceeded upon in any County out of the ordinary Jurisdiction of such Court, unless the same shall be endorsed by One or more of the Magistrates of such adjacent County.

Court may summon and examine on Oath Persons certified to have been absent from their Dwellings, and may imprison and fine any Person convicted thereof who cannot satisfactorily account for the same.

XIII. And be it enacted, That it shall be lawful for the Court to which such Certificate shall be returned to summon and require all Persons thereby certified to have been absent from their respective Dwellings to appear before such Court, and for such Court to examine such Persons or any other Person who may be produced before them upon Oath as to such Absence and the Cause thereof; and if it shall be proved that any such Person was duly required to appear by the Person or Persons so authorized as aforesaid, and if any such Person so summoned shall not appear before such Court, or if, upon such Examination, the Non-compliance of such Person with the Demand of the Person or Persons so authorized as aforesaid shall not be explained to the Satisfaction of such Court, or if it shall appear to such Court that such Person was so absent from his Dwelling as aforesaid without some lawful and proper Cause or Occasion, such Person shall be deemed to be guilty of an Offence within this Act, and the Court shall have Power to convict him summarily thereof, and, in case of a First Offence, to commit him to such Place of Confinement within the County as such Court shall think proper for any Period not exceeding One Month, or to impose upon him a Fine not exceeding One Pound, or both, and for any subsequent Offence to award a like Imprisonment for a Period not exceeding Three Months, or to impose a Fine not exceeding Five Pounds, or both, and also to order that the Party convicted shall give Security for his good Behaviour for Twelve Calendar Months, or in default thereof be liable to an additional Imprisonment for any Term not exceeding One Month.

Giving false Information or obstructing Execution of Warrant.

XIV. And be it enacted, That any Person who shall knowingly give false Information to any Person authorized by such Warrant, or shall obstruct any Person acting thereunder in the Execution thereof, after Notification of the Object and Nature thereof, shall be deemed to be guilty of a Misdemeanor.

Lord Lieutenant may order Sums necessary for Remuneration of Chairman under this Act to be advanced out of Consolidated Fund; such Advances to be repaid by Grand Jury Presentment.

XV. And be it enacted, That it shall and may be lawful for the Lord Lieutenant of *Ireland*, by his Warrant, to direct to be issued, out of the Produce of the Consolidated Fund arising in *Ireland*, such Sums of Money as may be necessary for the Remuneration of any of His Majesty's Serjeants or Counsel appointed under the Authority of this Act; and that on the Production to the Grand Jury at the Assizes of any County of the Certificate of the Chief or Under Secretary of the said Lieutenant of the Amount of the Money so advanced and issued in respect of the Remuneration of such Serjeant or Counsel so employed within the same County, such Grand Jury shall present the same to be levied off the County at large, and such Money, when levied, shall be paid to the Collector of Excise of the District within which such County may be situate, to be by him accounted for in like Manner as other Public Monies.

Construction of Terms.

XVI. And be it enacted, That in the Interpretation of this Act the Words "*Lord Lieutenant of Ireland*" shall extend to and include

include any Lords Justices or other Chief Governor or Governors of *Ireland* for the Time being; and the Word "County" shall extend to and include any Riding, or County of a City, or County of a Town or City, and County; and every Word importing the Singular Number shall extend and be applied to several Persons or Things as well as to one Person or Thing; and every Word importing the Masculine Gender shall extend and be applied to a Female as well as to a Male; save and except where, in the Use of any such Expression as aforesaid, the Nature of the Provision or the Context shall exclude such Construction.

XVII. And be it enacted, That this Act shall continue and be in force for Five Years from and after the passing thereof, and no longer; and may be altered or repealed during this present Session of Parliament.

Duration of Act.

### CAP. XLIX.

An Act for continuing, until the First Day of *June* One thousand eight hundred and thirty-seven, the several Acts for regulating the Turnpike Roads in *Great Britain* which will expire on the First Day of *June* One thousand eight hundred and thirty-six or with the next Session of Parliament. [31st August 1835.]

‘WHEREAS it is expedient that the several Acts for making, amending, and repairing the Turnpike Roads in *Great Britain* which will expire on the First Day of *June* One thousand eight hundred and thirty-six, or with the next Session of Parliament, should be continued for a limited Time:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Act and Acts of Parliament for making, amending, and repairing any Turnpike Roads in *Great Britain* which will expire on the First Day of *June* One thousand eight hundred and thirty-six, or with the next Session of Parliament, shall be and the same is and are hereby continued until the First Day of *June* One thousand eight hundred and thirty-seven, or if Parliament shall then be sitting until the End of the then Session of Parliament.

Continuation of Acts.

### CAP. L.

An Act to consolidate and amend the Laws relating to Highways in that Part of *Great Britain* called *England*. [31st August 1835.]

8th Aug 1835

‘WHEREAS it is expedient to amend the Laws relating to Highways in that Part of *Great Britain* called *England*, and to consolidate the same in One Act, and to make other Provisions respecting Highways:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of an Act passed in the Sixth Year of the Reign of King *George* the First, intituled *An Act for preventing the Carriage*

Repeal of 6 G. 1. c. 6. in part, except as to London;



and be subject to all the Conditions attending the Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities existing at the Time of the passing of this Act, forming Part of the Public Debt of the United Kingdom of *Great Britain and Ireland*, and shall be assignable and transferrable and redeemable accordingly; and the Dividends and Charges of Management arising upon the said Sum of One million seven hundred and thirty-four thousand three hundred and fifty-three Pounds Twelve Shillings and Seven-pence Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities shall be chargeable and the same are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, the first half-yearly Payment whereof shall commence from the Tenth Day of *October* One thousand eight hundred and thirty-five exclusive; and so much Money shall from Time to Time be set apart and issued at the Receipt of the Exchequer in *England*, out of the Consolidated Fund of *Great Britain*, to the said Cashier or Cashiers of the Governor and Company of the Bank of *England*, as shall be sufficient to satisfy and pay the said Annuities to be created in respect of the said Sum of One million seven hundred and twenty-one thousand three hundred and forty-five Pounds Nineteen Shillings and Seven-pence, together with the Charges attending the same.

Stock may be transferred for Payment of Claimants in Barbadoes.

IX. And be it further enacted, That upon Application to the said Commissioners for the Reduction of the National Debt for the Payment of any Sum which shall hereafter be awarded to any Person or Persons in the said Colony of *Barbadoes* for Compensation under the Provisions of the said Act, when the Provision of the said recited Act shall have been complied with as aforesaid, the said Commissioners shall transfer or cause to be transferred from the said Account to the Person or Persons entitled to such Compensation such a proportionate Amount of the said Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities, in satisfaction of the Sum awarded to such Person or Persons, as the whole Sum of One million seven hundred and twenty-one thousand three hundred and forty-five Pounds Nineteen Shillings and Seven-pence Sterling shall bear to the whole Capital of the said Reduced Three Pounds and Ten Shillings *per Centum per Annum* Annuities to be created under the Provisions of this Act.

Indemnity to Commissioners, &c.

X. And be it further enacted, That the several Payments which shall be made by the said Commissioners for the Reduction of the National Debt, under the Provisions of the said Act or of this Act, to the Persons entitled to Compensation, or to his, her, or their respective Attorney or Attornies, Executors or Administrators, shall be deemed to be a final Payment (and against which there shall be no Appeal) in full of all Demands of the Sum of Money so awarded, and shall be a Bar to and against any Claim which may hereafter be set up or attempted to be set up or made by any other Person or Persons whomsoever against the said Commissioners or any Officer or Officers of the said Commissioners to the Sum so awarded: Provided always, that nothing herein contained shall prevent or prejudice any Person or Persons from prosecuting such Claim against the Person or Persons to whom Payment shall have been made by the said Commissioners as aforesaid under the Provisions

Provisions of this Act; and the said Commissionsers and the said Comptroller General and Assistant Comptroller, or other proper Officer acting under the said Commissioners, and also the said Governor and Company and their Cashier or Cashiers, shall be and they are hereby severally indemnified and saved harmless from all or any Suit or Action, at Law or in Equity, for any Act or Acts done or performed by them respectively in carrying into execution the Provisions of this Act or of the said recited Act.

XI. And be it further enacted, That the said Contract for raising the said Sum of Fifteen Millions, and all Receipts for Stock and Transfers of Stock, and all Certificates given or made under the Provisions of this Act, or issued by the Commissioners for the Reduction of the National Debt, or by the Comptroller General or Assistant Comptroller, or by any other Officer of the said Commissioners, shall be exempted from Stamp Duty.

Exemptions from Stamp Duties.

XII. And be it further enacted, That if any Person or Persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any Receipt or Receipts for the Whole of or any Part or Parts of the Contributions towards the said Sum of Fifteen Millions, either with or without the Name or Names of any Person or Persons being inserted therein as the Contributor or Contributors thereto, Payer or Payers thereof, or of any Part or Parts thereof, or any Certificate or other Instrument to be issued by the Commissioners for the Reduction of the National Debt, or shall alter any Number, Figure, or Word therein, or utter or publish as true any such false, forged, counterfeited, or altered Receipt or Receipts, Certificate or Certificates, Instrument or Instruments, with Intent to defraud the Governor and Company of the Bank of *England*, or the Commissioners for the Reduction of the National Debt, or any Body Politic or Corporate, or any Person or Persons whatsoever, every such Person or Persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due Form of Law, shall be adjudged guilty of Felony, and shall suffer Death as a Felon, without Benefit of Clergy.

Persons counterfeiting Receipts for Contributions, &c. guilty of Felony.

XIII. And be it further enacted, That no Fee, Reward, or Gratuity whatsoever shall be demanded or taken of any of His Majesty's Subjects for receiving or paying the said Subscription or Contribution Monies or any of them, or for any Receipt concerning the same, or for paying the said Annuities or any of them, or for any Transfer of any Sum, great or small, to be made in pursuance of this Act, upon pain that any Officer or Person offending by taking or demanding any such Fee, Reward, or Gratuity shall for every such Offence forfeit the Sum of Twenty Pounds to the Party aggrieved, with full Costs of Suit, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager of Law, Injunction or Order of Restraint, or any more than One Impar lance, shall be granted or allowed.

No Fee to be taken for receiving Contributions, or paying or transferring Annuities, on Penalty of 20*l*.

XIV. And whereas certain Claims for Compensation under the Provisions of the said recited Act may be subject to Litigation before the Commissioners of Arbitration appointed thereunder,  
[No. 17. *Price 2d.*] R and

For investing the Compensation Funds of litigated Claims.

and also in the Courts of the several Colonies, and the final Settlement of such Claims may therefore be postponed to a distant Period: And whereas it is expedient to authorize the Commissioners for the Reduction of the National Debt to transfer the said Compensation Funds so under Litigation as herein-after mentioned; be it enacted, That in all such Cases it shall be lawful for the Lords Commissioners of His Majesty's Treasury to direct the Commissioners for the Reduction of the National Debt to pay over from Time to Time, if the Lords of the Treasury shall deem it expedient so to do, into the Bank of *England* in the Name of the Accountant General of the Court of Chancery or the Accountant General of the Court of Exchequer, in Trust for the Purposes herein-after mentioned, (any thing in any general Rules framed by the said Commissioners of Arbitration under any of the Clauses of the said recited Act to the contrary notwithstanding,) all such Sums of Money as shall from Time to Time be certified by the said Commissioners of Arbitration, according to the Provisions of the said Act, to be the Subject of any Suit in any of the said Courts of any of the said Colonies respectively, or of any Claim before the said Commissioners against which any counter Claim shall have been filed without any special Order for that Purpose, or other Authority than this Act, and whether such Courts of Chancery or Exchequer respectively shall be sitting or not, and such Sums shall be carried to new Accounts in the Books of the said Bank of *England* under the Title of "The litigated *West India* Compensation Account of the Court of Chancery," or "The litigated *West India* Compensation Account of the Court of Exchequer," as the Case may be; and such Monies, when so paid in, shall be placed to the Account of the Number of the Claim as stated and specified in the said Certificate of the said Commissioners; and such Monies, and the half-yearly Dividends arising from the Investments thereof, and also the Dividends on all future Investments as they arise and become due, shall be invested from Time to Time by the said Accountants General in their Names respectively, under the Authority of this Act, in Three *per Cent.* Consolidated Bank Annuities, to the said respective Accounts; and the said Bank Annuities purchased with the said Compensation Monies so invested as aforesaid, and the said Accumulations, shall be paid and transferred to the Person or Persons to whom the same shall be directed to be paid or transferred by any Adjudication or Award of the said Commissioners of Arbitration duly certified according to the Provisions of the said recited Act, or by the Decree, Order, or Judgment of the Court in the Colony made in the said Suit there depending, or any Court of Appeal; and a Copy of such Decree, Order, or Judgment of the Court in the Colony, or Court of Appeal, signed by the proper Officer of such Court, shall be sufficient Evidence of such Decree, Order, or Judgment to the Accountants General of the said Courts of Chancery or Exchequer: Provided always, that all Orders and Decrees made by any of the Courts in the said Colonies respectively, or the Courts of Appeal, or any Adjudication or Award of the said Commissioners of Arbitration duly certified, according to the Provisions of the said Act, shall be valid and effectual for the Purpose of authorizing the Demand upon and Payment by the Accountants General respectively of the said Courts of Chancery and Exchequer of the

Sums

Sums included in such Orders, Decrees, Adjudications, or Awards respectively.

XV. And be it further enacted, That the said Accountant General of the Court of Chancery and the said Accountant General of the Court of Exchequer shall be and they are hereby severally and respectively indemnified and saved harmless from all or any Suit or Action, at Law or in Equity, for any Act to be done or performed by them in carrying into execution the Provisions of this Act or in acting under the same, and shall not be held or taken to be responsible for or liable to make good any Payment of Money or Transfer of Bank Annuities erroneously made by them respectively, unless the same shall have been occasioned by the wilful Default or Negligence of the said Accountant General respectively.

Indemnification to Accountants General of Chancery and Exchequer.

XVI. And be it further enacted, That it shall and may be lawful for the said Accountant General of the Court of Chancery and the said Accountant General of the Court of Exchequer respectively to nominate and appoint a fit and proper Person to do and perform all or any of the Acts and Duties imposed upon the said Accountants General by this Act, and that the Acts of the said Deputies shall be as valid and effectual as if the same had been done by the said Accountants General themselves.

Accountants General may appoint a Deputy, whose Acts shall be valid.

XVII. And be it further enacted, That if any Person or Persons shall be sued, molested, or prosecuted for any thing done by virtue or in pursuance of this Act, such Person or Persons shall and may plead the General Issue, and give this Act and the special Matter in Evidence in his, her, or their Defence or Defences; and if afterwards a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs shall discontinue his, her, or their Action or Prosecution, or be nonsuited, or Judgment shall be given against him, her, or them, upon Demurrer or otherwise, then such Defendant or Defendants shall have Treble Costs awarded to him, her, or them against any such Plaintiff or Plaintiffs.

Persons sued may plead the General Issue.

Treble Costs.

## CAP. XLVI.

An Act to amend, until the End of the next Session of Parliament, an Act of the Second Year of His present Majesty, for making Provision for the Dispatch of the Business now done by the Court of Exchequer in Scotland. [31st August 1835.]

WHEREAS by an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act for making Provision for the Dispatch of the Business now done by the Court of Exchequer in Scotland*, it is amongst other Things enacted, that if at any Time after the passing of the said Act the Number of the Barons of the said Court shall be reduced, or after the Retirement or Decease of the last remaining Baron, then and in such Case it shall and may be lawful during the Indisposition or Absence of the Baron and Barons of such Court to which the same shall be reduced, or of the Judge of the Court of Session to be appointed to try the Suits and Causes in the said Court, to and for the Judge of the Court of Session, officiating as Lord Ordinary upon the Bills for the Time being, to grant Warrant

2 W. 4. c. 54.

• for the issuing of all Commissions to find Debts, and Fiats for  
 • the issuing of all Writs and Extents, and other Process issuable  
 • out of the said Court of Exchequer, and also to revise such Sig-  
 • natures for the granting of Crown Charters as may be of an  
 • urgent Nature and require Dispatch, in like Manner and to as  
 • full Force and Effect as the Lord Chief Baron or other Barons  
 • of the said Court are by Law authorized to do: And whereas the  
 • Lord Chief Baron and One of the Barons of the said Court of  
 • Exchequer have retired since the passing of the said Act, and the  
 • Powers and Duties of the said Court of Exchequer are now dis-  
 • charged by the sole remaining Baron of the said Court: And  
 • whereas, in consequence of the continued Indisposition of the said  
 • sole remaining Baron, it has become expedient to provide more  
 • effectually for the proper Dispatch of the Business of the said  
 • Court of Exchequer: Be it therefore enacted by the King's  
 most Excellent Majesty, by and with the Advice and Consent of  
 the Lords Spiritual and Temporal, and Commons, in this present  
 Parliament assembled, and by the Authority of the same, That at  
 any Time after the passing of this Act it shall and may be lawful,  
 during the Indisposition or unavoidable Absence of the said sole  
 remaining Baron of the Court of Exchequer, or of the Judge of the  
 Court of Session, to be appointed to try the Suits and Causes in  
 the said Court, and perform the other Duties thereof in the said  
 recited Act mentioned, to and for the Judge of the Court of Ses-  
 sion officiating as Lord Ordinary upon the Bills for the Time  
 being to try all Suits and Causes in the said Court of Exchequer,  
 either in Term or out of Term, as he shall appoint, to grant  
 Warrant for the issuing of all Commissions to find Debts, and  
 Fiats for the issuing of all Writs of Extent and other Process  
 issuable out of the said Court of Exchequer, and to revise, com-  
 pound, and pass Signatures for the granting of Crown Charters,  
 and generally to perform all the Powers and Duties of the said  
 Court of Exchequer, as fully and effectually as the Lord Chief  
 Baron, Barons, and sole remaining Baron of the said Court were  
 and are by Law authorized to do; any thing in the said recited  
 Act to the contrary notwithstanding.

In case of  
 Indisposition  
 of remaining  
 Baron of Court  
 of Exchequer,  
 Judge of Court  
 of Session to try  
 Suits in the  
 Exchequer  
 Court.

Duration of  
 Act.

II. And be it further enacted, That this Act shall continue in  
 force until the End of the next Session of Parliament.

CAP. XLVII.

An Act to repeal so much of an Act passed in the Third  
 and Fourth Years of His present Majesty as relates to  
 the Amount of the Salary granted to the Clerk of the  
 Crown in Chancery; and to make other Provisions in  
 relation to the said Office. [31st August 1835.]

• **W**HEREAS by an Act passed in the Third and Fourth  
 • Years of the Reign of His present Majesty, intituled *An*  
 • *Act to provide for the Performance of the Duties of certain Offices*  
 • *connected with the Court of Chancery which have been abolished,*  
 • the Salary of the Clerk of the Crown in Chancery was fixed at  
 • Eight hundred Pounds *per Annum*, in full Satisfaction for the  
 • Duties of the said Office, and of all Expences incident to the  
 • Performance

3 & 4 W. 4. c. 84.

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\* Performance thereof: And whereas the Expences of the said Office vary, and in some Years may be so great as to leave a very inadequate Sum for the Salary of the Clerk of the Crown; and it is expedient to make Provision for securing to that Officer a proper Remuneration for the responsible Duties performed by him, and for the Payment of the reasonable and necessary Expences of his Office: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act by which the yearly Salary of Eight hundred Pounds is granted to the Clerk of the Crown in Chancery, in full Satisfaction for the Duties of the said Office, and of all Expences incident to the Performance thereof, shall be and the same is hereby repealed; and instead and in lieu thereof there shall be paid to the said Clerk of the Crown for the Time being the yearly Salary of Five hundred Pounds, free and clear from all Deductions on account of the Expences incident to the Performance of the Duties of the said Office; and the said Salary of Five hundred Pounds shall be issued and payable out of and be charged and chargeable upon the same Fund as the before-mentioned yearly Salary of Eight hundred Pounds was directed to be issued out of and made chargeable upon by the said recited Act.

Repealing so much of recited Act as grants a Salary of 800*l.* to the Clerk of the Crown, and granting a clear Salary of 500*l.* in lieu thereof.

II. And be it further enacted, That it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury, for the Time being, and he and they is and are hereby required, by Warrant under his or their Hands, to allow to the said Clerk of the Crown, for his Clerks, and for the other incidental and necessary Expences of his Office, such Sum *per Annum* as he or they shall deem reasonable and proper; and the Sum so allowed as aforesaid shall be paid and payable out of and be charged and chargeable upon the Fees and Emoluments taken and received in the Office of the said Clerk of the Crown; and the Residue only of the said Fees and Emoluments, after Payment of the said Expences, shall be paid and payable into the Receipt of His Majesty's Exchequer, and be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any thing in the said recited Act to the contrary notwithstanding.

The Treasury may allow the Expences of the Office of the Clerk of the Crown, and direct the same to be paid out of the Fees.

III. Provided always, and be it further enacted, That it shall be lawful for the said Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury, from Time to Time to reduce or increase the Amount to be allowed to the said Clerk of the Crown for such Expences of his Office as Occasion may be or require.

Treasury may vary the Allowance for Expences.

IV. And be it further enacted, That the said yearly Salary of Five hundred Pounds hereby granted to the Clerk of the Crown in Chancery, together with such annual Sum as shall be allowed by the said Lord High Treasurer or Commissioners of His Majesty's Treasury for the Clerks and other incidental Expences of the said Office as aforesaid, shall commence on and be payable from the Fifteenth Day of *November* One thousand eight hundred and thirty-four, when the present Clerk of the Crown was appointed, and shall from Time to Time be paid and payable, charged

Salary and Sum allowed for Expences to commence and be payable from the 15th November 1834, and be paid quarterly.

and chargeable quarterly on the Thirty-first Day of *March*, the Thirtieth Day of *June*, the Thirtieth Day of *September*, and the Thirty-first Day of *December* in each Year.

The Treasury and the Lord Chancellor may alter and vary the Scale of Fees whenever they shall think it expedient.

V. And be it further enacted, That it shall and may be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury, together with the Lord Chancellor, or the Lord Keeper or Lords Commissioners for the Custody of the Great Seal of *Great Britain*, whenever it shall appear to them expedient so to do, to alter and vary the Scale of Fees to be demanded and taken by the Clerk of the Crown in Chancery; and such Scale of Fees, when so altered and settled, shall be deemed to be the lawful Fees appertaining and belonging to the Office of the Clerk of the Crown, and shall and may be demanded and taken accordingly; and the whole of the Fees and Emoluments which have been received by the present Clerk of the Crown since the Date of his Appointment, and which may hereafter be received in the said Office, shall be accounted for by the said present Clerk of the Crown, and by his Successors, to the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, at such Times and in such Form and Manner as he or they shall think fit to direct; and the Amount of such Fees and Emoluments, after deducting from and paying thereout the necessary Expences of the said Office so sanctioned and allowed as aforesaid, shall be paid by the Clerk of the Crown for the Time being into the Receipt of His Majesty's Exchequer within Ten Days from the Time of rendering the Account thereof as aforesaid; and such Amount shall be carried to and made Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Fees to be accounted for as the Treasury may direct.

## CAP. XLVIII.

An Act for the better Prevention and more speedy Punishment of Offences endangering the Public Peace in *Ireland*.  
[31st August 1835.]

‘ WHEREAS heinous and systematic Outrages and Disturbances of the Peace have from Time to Time prevailed in several Parts of *Ireland*, and it is expedient to provide for the speedy and effectual Prosecution and Suppression of such Offences;’ be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful to and for the Lord Lieutenant of *Ireland*, by and with the Concurrence of His Majesty's Privy Council in *Ireland*, from Time to Time, as Occasion shall require, to order and direct that an Extraordinary Court of General Sessions of the Peace shall be holden in and for any County in *Ireland*, at such Place or Places therein, and at such Time or Times, as such Lord Lieutenant and Council may deem proper; and such Lord Lieutenant shall thereupon nominate and appoint One of His Majesty's Serjeants or Counsel to preside at any such Sessions or any Adjournment thereof, and act as Chairman thereof; and such Serjeant or Counsel, so long as he shall continue to hold the said Office, shall, without further

Lord Lieutenant in Council may order an Extraordinary Court of General Sessions to be holden for any County in *Ireland*.

Further Appointment or Commission, have all the Powers of a Justice of the Peace, and be to all Intents and Purposes a Justice of the Peace in, of, and for the County in which such Extraordinary Court of Sessions of the Peace shall be holden, and shall receive such Sum, not exceeding Ten Guineas for each Day during which he shall be so engaged, as to such Lord Lieutenant shall seem fit.

II. And be it enacted, That each such Court shall have and exercise all Rights, Powers, Jurisdictions, Privileges, Authorities, Functions, and Capacities appertaining, incident, or belonging to any Court of Oyer and Terminer and General Gaol Delivery, or to any Court of General Quarter Sessions of the Peace, provided that no Person shall be indicted or tried before such Court for any Offence rendering the Person convicted thereof liable to the Punishment of Death; and that every Justice of the Peace, Coroner, Clerk of the Crown, and Clerk of the Peace, and other Person who may have any Recognizance, Information, Inquisition, Examination, Deposition, or other Document which would have been returnable to the next Court of Oyer and Terminer and General Gaol Delivery or General or Quarter Sessions for the same County, shall return the same to the said Extraordinary Court holden in pursuance of such Order and Direction, if relating to any Offence or Matter cognizable by such Court; and that all Sheriffs, Clerks of the Crown and of the Peace, Constables, and other Officers, bound to attend at any Sessions of the Peace or Assizes, shall be in like Manner bound to attend at such Courts to be holden under the Provisions of this Act, and obey the Orders thereof.

Such Court to have Powers of any Court of Oyer and Terminer, &c.

Sheriffs and other Officers bound to attend it.

III. And be it enacted, That all Prosecutors, Traversers, Offenders, Witnesses, and others, who shall be bound by Recognizance or otherwise to appear at any ordinary Sessions of the Peace or Assizes, or other Court of Criminal Jurisdiction for such County, shall, upon being duly served Ten Days previous to the holding of such Extraordinary Court of Sessions with a Notice or Summons on behalf of His Majesty, either personally, or by leaving the same at his, her, or their usual or last Place of Abode, attend at such Extraordinary Court of Sessions, and prosecute, abide Trial, appear, or give Evidence at the same, in like Manner as any such Person would be bound to do at any Court specified in any such Recognizance, or at which such Person would be otherwise bound to appear; and in case of Default of any such Person in that Behalf, such Person and every Surety for him shall be liable as for a Breach of such Recognizances in like Manner as if the Condition thereof had been violated by a like Default with respect to the Court specified therein; but if the Person bound in such Recognizance shall appear at such Extraordinary Court to be holden under this Act, and shall prosecute, abide Trial, give Evidence, or be ready to give Evidence before the Grand Jury and upon the Trial, as the Case may be, then the said Recognizances shall be discharged in like Manner as if the Condition thereof had been fulfilled according to the Terms thereof.

Prosecutors, Offenders, Witnesses, &c. shall be bound to attend thereat on receiving a written Notice to that Effect.

IV. Provided always, and be it enacted, That the Clerk of the Peace for the County in which any such Extraordinary Court of Sessions shall be directed to be holden under the Authority of this Act shall cause the Time and Place appointed for holding the same

Notice to be given by the Clerk of the Peace of the Time and Place,



and the same Manner as the Surveyors of Highways are required to make under the Provisions of this Act.

When new Highways are to be kept in repair by Parishes.

XXIII. And be it further enacted, That no Road or Occupation Way made or hereafter to be made by and at the Expence of any Individual or private Person, Body Politic or Corporate, nor any Roads already set out or to be hereafter set out as a private Driftway or Horsepath in any Award of Commissioners under an Inclosure Act, shall be deemed or taken to be a Highway which the Inhabitants of any Parish shall be compellable or liable to repair, unless the Person, Body Politic or Corporate, proposing to dedicate such Highway to the Use of the Public, shall give Three Calendar Months previous Notice in Writing to the Surveyor of the Parish of his Intention to dedicate such Highway to the Use of the Public, describing its Situation and Extent, and shall have made or shall make the same in a substantial Manner and of the Width required by this Act, and to the Satisfaction of the said Surveyor and of any Two Justices of the Peace of the Division in which such Highway is situate in Petty Sessions assembled, who are hereby required, on receiving Notice from such Person or Body Politic or Corporate to view the same, and to certify that such Highway has been made in a substantial Manner, and of the Width required by this Act, at the Expence of the Party requiring such View, which Certificate shall be enrolled at the Quarter Sessions holden next after the granting thereof, then and in such Case, after the said Highway shall have been used by the Public, and duly repaired and kept in repair by the said Person, Body Politic or Corporate, for the Space of Twelve Calendar Months, such Highway shall for ever thereafter be kept in repair by the Parish in which it is situate: Provided nevertheless, that on Receipt of such Notice as aforesaid the Surveyor of the said Parish shall call a Vestry Meeting of the Inhabitants of such Parish, and if such Vestry shall deem such Highway not to be of sufficient Utility to the Inhabitants of the said Parish to justify its being kept in repair at the Expence of the said Parish, any One Justice of the Peace, on the Application of the said Surveyor, shall summon the Party proposing to make the new Highway to appear before the Justices at the next Special Sessions for the Highways to be held in and for the Division in which the said intended Highway shall be situate; and the Question as to the Utility as aforesaid of such Highway shall be determined at the Discretion of such Justices.

Proviso.

Direction Posts, where and how to be erected.

XXIV. And be it further enacted, That the Surveyor of every Parish, other than a Parish the Whole or Part of which is within Three Miles of the General Post Office in the City of *London*, shall, with the Consent of the Inhabitants of any Parish in Vestry assembled, or by the Direction of the Justices at a Special Sessions for the Highways, cause (where there are no such Stones or Posts) to be erected or fixed in the most convenient Place where Two or more Ways meet a Stone or Post, with Inscriptions thereon in large legible Letters, not less than One Inch in Height and of a proper and proportionate Breadth, containing the Name of the next Market Town, Village, or other Place to which the said Highways respectively lead, as well as Stones or Posts to mark the Boundaries of the Highway, containing the Name of the Parish wherein situate; and that the Surveyor of every Parish shall, at the several Approaches

or

or Entrances to such Parts of any Highways as are subject to deep or dangerous Floods, cause to be erected graduated Stones or Posts, as he shall judge to be necessary, for the guiding of Travellers in the best and safest Track through the Floods; and also to secure Horse Causeways and Foot Causeways, by Posts, Blocks, or Stones fixed in the Ground, or by Banks of Earth cast up or otherwise, from being passed over and spoiled by Waggon, Wains, Carts, or Carriages; and the said Surveyor shall be reimbursed, out of the Monies which shall be received by him pursuant to the Directions of this Act, the Expences of providing and erecting and of keeping in repair such Stones, Posts, or Blocks already erected or fixed, or which may hereafter be erected or fixed.

XXV. And be it further enacted, That it shall be lawful for the Surveyor to make a Road through the Grounds adjoining to any ruinous or narrow Part of any Highway, (not being the Site or Ground whereon any House stands, nor being a Garden, Lawn, Yard, Court, Park, Paddock, Plantation, planted Walk or Avenue to any House, or inclosed Ground set apart for Building Ground, or as a Nursery for Trees,) to be made use of as a public Highway whilst the old Road is repairing or widening, making such Recompence to the Proprietor and Occupier of such Grounds for the Damages they may thereby sustain as the Justices at a Special Sessions for the Highways assembled may think reasonable, such Sum so awarded as a Recompence to be recoverable in the same Manner as any Fines and Forfeitures are recoverable under this Act.

Power to use adjoining Ground as a temporary Road.

XXVI. And be it further enacted, That if any Impediment or Obstruction shall arise in any Highways from Accumulation of Snow, or from the falling down of the Banks on the Side of such Highways, or from any other Cause, the Surveyor is required from Time to Time, and within Twenty-four Hours after Notice thereof from any Justice of the Peace of the County in which the Parish may be situate, to cause the same to be removed.

Surveyor to remove Snow, &c.

XXVII. And in order to raise Money for carrying the several Purposes of this Act into execution, be it further enacted, That a Rate shall be made, assessed, and levied by the Surveyor upon all Property now liable to be rated and assessed to the Relief of the Poor; provided that the same Rate shall also extend to such Woods, Mines, and Quarries of Stone, or other Hereditaments, as have heretofore been usually rated to the Highways; and provided also, that every such Rate shall be signed by the said Surveyor, and allowed by Two Justices of the Peace, and published in the same Way as Poor Rates are now allowed and published.

Surveyor to make Rate.

Rate to be allowed by Justices.

XXVIII. And in order to enable the Surveyor to form a proper Judgment of any Rate to be made in pursuance of this Act, be it further enacted, That it shall be lawful for the Surveyor, and he is hereby authorized and empowered, at all reasonable Times, to inspect, or by Writing signed by him to grant Authority to any Person appointed by him to inspect, any of the Rates made towards the Relief of the Poor of the Parish of which he is Surveyor, or the Books wherein the Assessments thereto shall be entered, without Fee or Reward; and the Surveyor, or Person by him authorized as aforesaid, shall be allowed to make a Copy of such Rate or Books, or to take any Extracts therefrom; and if any Person in whose Custody or Power any of the said Rates or Books shall be shall,

Surveyor may inspect Rate Book, and obtain Copies or Extracts.

when thereunto required in manner aforesaid, refuse or neglect to produce the same to the Surveyor, or Person so by him authorized as aforesaid, as the Case may be, or to allow such Copy or Extract to be made or taken, at all reasonable Hours in the Daytime, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Form and  
Amount of  
Rate.

XXIX. And be it further enacted, That every Rate shall contain the Names of the Occupiers, the Description of the Premises or Property they occupy, and the full annual Value of such Premises or Property, and shall also specify the Sum in the Pound at which it is made; and no Rate to be levied or assessed as aforesaid shall exceed at any One Time the Sum of Ten-pence in the Pound, or the Sum of Two Shillings and Sixpence in the Pound in the whole in any One Year: Provided nevertheless, that with the Consent of Four Fifths of the Inhabitants of any Parish contributing to the Highway Rate assembled at a Meeting specially called for that Purpose, Ten Days previous Notice of the same having been given by the Surveyor of the said Parish, the Rate to be levied and assessed as aforesaid may be increased to such Sum as the said Inhabitants so assembled may think proper.

Surveyor to  
have Power to  
enforce Com-  
position in cer-  
tain Parishes.

XXX. Provided always, and be it further enacted, That in Parishes in which the Overseers of the Poor have Power by Local Acts of Parliament to compound with or require Composition for Poor Rates from the Landlords of certain Houses, Tenements, or Hereditaments, and, in case of their Refusal to compound, to rate such Landlords as the Occupiers, the Surveyor shall have the same Powers, Remedies, and Privileges to compound and enforce Composition, and, in case of Refusal by the Landlords, to assess them in the same Proportions to the Rates authorized to be made by this Act, as the Overseers of the Poor have by such Acts for assessing and recovering any Rate made for the Relief of the Poor, or the Compositions entered into for the same.

Errors in Rates  
may be rectified.

XXXI. And be it further enacted, That whenever it shall appear to the said Surveyor as aforesaid that there has been any Omission or Error in any Rate or Assessment made in pursuance of this Act of or in the Name of any Person, Parson, or Vicar, or of any House, Shop, Warehouse, Coach-house, Stable, Cellar, Vault, Building, Workshop, Manufactory, Garden Ground, Land, Tene-ment, Wood, Tithe, Mines, Pits or Quarries of any Mineral, Stone, or other Matter whatsoever, or Hereditament liable to be rated for the Purposes of this Act, it shall be lawful for the said Surveyor as aforesaid, with the Consent and Approbation of the Justices at a Special Sessions for the Highways, to cause to be added or corrected in the said Rate or Assessment the Name of the Person, Parson, or Vicar omitted or erroneously stated, and a Description of the Property in respect of which he ought to be rated; and every such Addition or Correction made in any of the said Rates, and signed by such Justices, shall be as valid and effectual as if the same had been Part of the original Rate at the Time when it was first made.

Persons may be  
excused by  
Justices from  
Payment of  
Highway Rate.

XXXII. And be it further enacted, That it shall and may be lawful for the Justices at a Special Sessions for the Highways, on Application made to them by any Person rated to any Rate under the Authority of this Act to be discharged therefrom, on Proof of his Inability through Poverty to pay such Rate, the Surveyor having been

been first summoned to appear on the Part of the Parish, to order and direct that such Person shall be excused from the Payment of such Rate; and which Order of the said Justices is hereby declared to be final with respect to such Rate.

XXXIII. And be it further enacted, That when Property, or the Owner or Occupier in respect thereof, has, previous to the passing of this Act, been legally exempt from the Performance of Statute Duty, or from the Payment of any Composition in lieu thereof, or of Highway Rate, the said Property and the Owners and Occupiers thereof shall be exempt from the Payment of the Rate hereby imposed.

Certain Persons not liable to Payment of Highway Rate.

XXXIV. And be it further enacted, That, for levying and recovering the said Rate by this Act authorized to be made, the Surveyor shall have the same Powers, Remedies, and Privileges as the Overseers of the Poor in the Parish have by Law for the Recovery of any Rate made for the Relief of the Poor.

Rates how to be recovered.

XXXV. And be it further enacted, That it shall be lawful for Two Rate-payers of any Parish, within Six Days next after the annual Appointment of the Surveyor, by a Notice in Writing, to require the said Surveyor to call a Meeting of the Rate-payers of the said Parish for the Purpose hereafter mentioned, and the said Surveyor shall call such Meeting within Eight Days after the Receipt of such Notice, and shall give Six Days previous Intimation of such Meeting; and if at such Meeting a Majority of the Rate-payers then and there assembled shall signify their Consent thereto, it shall and may be lawful for the Rate-payers keeping a Team or Teams of Two or more Horses or Beasts of Draught to divide among themselves, in proportion to the Amount of Rate to which they may respectively be assessed, the carrying of the Material which may be required by the said Surveyor for the Repairs of the Highways within such Parish, and that they shall be paid by the said Surveyor for such carrying or Task-work, within One Calendar Month after having performed such Service, after such Rate *per* Cubic Yard of Material *per* Mile, and so in proportion for any less Distance than a Mile, as shall be fixed by the Justices at their first Meeting in Special Sessions for the Highways after the Twenty-fifth Day of *March* in every Year, which Rate the said Justices are hereby required to fix at such Special Sessions: Provided always, that such carrying or Task-work shall be performed at such Times and Places and in such Manner as the said Surveyor may direct (the Periods of Spring, Seed-time, and Harvest always excepted); and that in case the said Surveyor shall not approve of the Manner in which such carrying or Task-work shall be performed, it shall be lawful for the Justices at a Special Sessions for the Highways to hear the Complaint of such Surveyor in that respect, and to award such pecuniary Redress or Forfeiture against the Party offending as to them shall appear reasonable.

Rate-payers may divide among themselves the Conveyance of Stone, &c. for Repair of Highways, which shall be paid for by the Surveyor.

XXXVI. And be it further enacted, That the Surveyor of any Parish, the Consent of the Majority of the Inhabitants in Vestry assembled being first had and obtained, may from Time to Time appoint any Number of Collectors of the said Rates, and may remove any such Collector and appoint another in his Stead, and make such Allowance to such Collector, out of the Monies to be received under this Act, as the said Inhabitants in Vestry assembled shall

Surveyor, with Consent of Vestry, may appoint Collector of Rates.

shall think reasonable, and the said Collector is hereby declared to have all the same Powers, Remedies, and Privileges for the levying and enforcing the Payment of such Rates as the Surveyor nominated or appointed under the Authority of this Act.

Security to be taken from Collector.

XXXVII. And be it further enacted, That it shall be lawful for the said Surveyor and he is hereby required to take Security from every Collector appointed by virtue of this Act, for the due Execution of his Office of Collector, which Security shall be to the full Amount of the Sum likely to be in the Hands of the said Collector at any One Time, and shall be by Bond without Stamp.

Collector to make out Accounts of all Monies received under this Act, &c.

XXXVIII. And be it further enacted, That every Collector appointed by virtue of this Act shall under his Hand, and at such Time and in such Manner as the Surveyor may direct, deliver to the said Surveyor as aforesaid true and perfect Accounts in Writing of all Monies which shall have been by such Collector received by virtue of this Act, and also a List of the Names of all such Persons as shall have neglected or refused to pay their respective Rates, and of the Monies due from them respectively; and that every such Collector shall pay all such Monies as shall remain due from him to the said Surveyor as aforesaid; and if any such Collector shall refuse or neglect to make and render such Account, or to produce and deliver up the List of Persons neglecting and refusing to pay their Rates as aforesaid, or to make Payments as aforesaid, or shall refuse or wilfully neglect to deliver to the said Surveyor as aforesaid, or to such Person as he shall appoint to receive the same, within Three Days after being thereunto required by the said Surveyor as aforesaid by Notice in Writing under his Hand given to or left at the usual Place of Abode of such Collector, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Surveyor as aforesaid respecting the same, then and in every such Case, upon Complaint made by the said Surveyor as aforesaid of any such Refusal or wilful Neglect as aforesaid to any Justice of the Peace, such Justice may and he is hereby authorized and required to issue a Summons under his Hand for the Collector so refusing or neglecting to appear before any Two Justices of the Peace; and upon the said Collector appearing, or having been so summoned and not appearing without some sufficient or reasonable Excuse, or not being found, it shall be lawful for the said Two Justices to hear and determine the Matter; and if, upon Confession of the Party, or by the Testimony of any credible Witness on Oath, it shall appear to such Justices that any Monies remain due from such Collector, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Collector; and if no Goods and Chattels of such Collector shall be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the said Goods and Chattels, then and in every such Case such Justices shall and they are hereby required to commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to be kept to hard Labour for a Period not exceeding Six Calendar Months, or until he shall have paid such Monies as aforesaid,

aforsaid, or compounded with the Surveyor as aforsaid for such Money (which Composition the said Surveyor, with the Consent of the Inhabitants in Vestry, or, in any Parish where they do not meet in Vestry, with the Consent of the Inhabitants contributing to the Highway Rate at a public Meeting assembled, is hereby empowered to make and receive) or if it shall appear to such Justices that such Collector had refused or wilfully neglected to render and give such Accounts, or to produce and deliver the List of Persons neglecting and refusing to pay their Rates as aforsaid, or that any Books, Papers, or Writings relating to the Execution of this Act remained in the Hands or in the Custody or Power of such Collector, and he refused or wilfully neglected to deliver or give Satisfaction respecting the same as aforsaid, then and in every such Case such Collector shall, on Conviction thereof, forfeit for such Offence any Sum not exceeding Twenty Pounds, and in default of Payment thereof shall be committed to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to be kept to hard Labour for a Period not exceeding Four Calendar Months, or until he shall have given a true and perfect Account as aforsaid, and delivered such List as aforsaid, and delivered up such Books, Papers, and Writings, or give Satisfaction in respect thereof to the said Surveyor: Provided always, that no Conviction or Imprisonment of such Collector as aforsaid shall exonerate or discharge any Security taken from him on his Appointment as aforsaid.

XXXIX. And be it further enacted, That the Surveyor in every Parish shall keep separate and distinct Accounts of the Monies levied for the Highway Rate; and such Accounts shall specify the different Sums, and the Times when and the Persons to whom and by whom the same shall have been collected and paid.

Separate Accounts to be kept.

XL. And be it further enacted, That the said Surveyor, District Surveyor, or Assistant Surveyor, as the Case may be, shall and he is hereby required from Time to Time to keep a Book, in which shall be entered a just and true and particular Account of all Money which shall have come to his Hands as Surveyor, District Surveyor, or Assistant Surveyor of the Parish for the Purposes of this Act, and to whom, and on what Occasion, and for what Work, and in what Place, and on what Day he shall have paid or applied the same, and also an Account of all Tools, Materials, Implements, and other Things provided by him for the Repair of the said Highways; and such Book shall at all reasonable Times be open to the Inspection of every Inhabitant rated to the Highway Rate of the Parish, or of any of the Parishes united into a District, without Fee or Reward, and every such Inhabitant may take Copies or Extracts from the said Book, or any Part thereof, without paying for the same; and in case the said Surveyor, District Surveyor, or Assistant Surveyor shall neglect to provide such Book, or to enter therein every Sum received or paid by him within One Week after the same shall have been received or paid, or shall refuse to permit or shall not permit any such Inhabitant as aforsaid at any reasonable Time to inspect the same or take Copies or Extracts as aforsaid, such Surveyor, District Surveyor, or Assistant Surveyor shall forfeit and pay any Sum not exceeding Five Pounds

Surveyor to keep Books and Account of Monies received, &c. ;

to be open to Inspection of rated Inhabitants.

for

for each Default, to be levied and applied in manner herein provided.

The Property in all Books, &c. to be vested in Surveyor for the Time being.

XL I. And be it further enacted, That all the said Books, Papers, Writings, and Accounts, and all Materials, Tools, and Implements which shall be provided in pursuance of this Act for repairing or preserving the Highways, and also the Scrapings of the said Highways, shall be vested in the Surveyor for the Time being; or in case a District Surveyor shall be appointed, then all such Books, Papers, Writings, and Accounts, and all Materials, Tools, Implements, and Scrapings, shall be invested in the District Surveyor.

Surveyor, on quitting Office, &c. to deliver Books, &c. to succeeding Surveyor.

XLII. And be it further enacted, That the said Surveyor, District Surveyor, or Assistant Surveyor shall, within Fourteen Days after leaving his Office, deliver such Books and Accounts verified as herein directed, together with all such Sums of Money as shall be due from him, and likewise all Tools, Materials, Implements, and other Things as aforesaid, to his Successor in Office, or retain the same in his Hands and account for them in his next Account if he shall be continued Surveyor or District Surveyor of such Parish in the succeeding Year; and in case such Surveyor or District Surveyor shall neglect to deliver within such Time as aforesaid the said Books, Papers, Writings, and Accounts, and such Tools, Materials, Implements, and other Things, in manner aforesaid, he shall for every such Offence forfeit any Sum not exceeding Five Pounds; and in case he shall make default in the paying or accounting for the Money so due from him within the Time and according to the Directions aforesaid, he shall forfeit Double the Money so due.

Penalty for Neglect.

In case of Death of Surveyor, Executors to account.

XLIII. And be it further enacted, That in case of the Death of any such Surveyor, District Surveyor, or Assistant Surveyor, before he shall have paid and fully satisfied all the Monies which he shall have received by virtue of this Act, then and in every such Case the Executors or Administrators of such Surveyor, District Surveyor, or Assistant Surveyor so dying shall pay and satisfy the same out of his Estate and Effects unto the succeeding Surveyor, District Surveyor, or Assistant Surveyor, in like Manner as other Debts are directed by Law to be discharged by such Executors or Administrators, and also shall deliver up all Books, Papers, Writings, Assessments, Tools, Materials, and Implements, and other Things concerning his Office, which shall have come to the Hands of such Executors or Administrators, who shall and may plead such Payment in any Action or Suit which may be brought against them on account of the said Estate and Effects, and give the same in Evidence; and in case of the Nonpayment of such Monies, or the Nondelivery of such Books, Papers, Writings, Assessments, Tools, Materials, Implements, and Things, for the Space of One Calendar Month after Demand made thereof in Writing by or on behalf of the said succeeding Surveyor, it shall be lawful for the said succeeding Surveyor to commence and prosecute an Action or Actions in any of His Majesty's Courts of Record at *Westminster* against such Executors or Administrators for the Recovery of the said Monies, or for the Recovery of Damages for the Detention of such Books, Papers, Writings, Assessments, Tools, Materials, Implements,

Implements, and Things, in which Action or Actions full Costs of Suit shall be recovered by the said succeeding Surveyor.

XLIV. And be it further enacted, That within Fourteen Days after the Election or Appointment of Surveyor as herein directed the Accounts as aforesaid made in Writing, and signed by the Surveyor, District Surveyor, or Assistant Surveyor for the Year preceding, of all Monies received and disbursed by virtue of this Act, ending on the Day of the Election or Appointment of Surveyor, shall be made up, balanced, and laid before the Parishioners in Vestry assembled, who may, if they think fit, order an Abstract thereof to be printed and published; and within One Calendar Month after the Election or Appointment of Surveyor as herein directed the said Accounts shall be signed by the Surveyor, District Surveyor, or Assistant Surveyor for the Year preceding, and laid before the Justices of the Peace at a Special Sessions for the Highways holden at the Place nearest to the Parish or District for which such Surveyor shall have been appointed, and such Justices are hereby authorized and required to examine him as to the Truth of the said Accounts or of any Charge contained therein: Provided always, that if any Person chargeable to the Rate authorized to be made by this Act has any Complaint against such Accounts or the Application of the Monies received by the said Surveyor, it shall be lawful for any such Inhabitant to make his Complaint thereof to such Justices at the Time of the Verification of such Accounts as aforesaid, and the said Justices are hereby required to hear such Complaint, and, if they shall think fit, to examine such Surveyor upon Oath, and to make such Order thereon as to them shall seem meet: Provided nevertheless, that the several Surveyors appointed under the Authority of the said Act passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third shall produce such Books and Statements and pass their Accounts before the Justices at a Special Sessions for the Highways to be holden within their respective Divisions in the Week next after that in which the Twenty-fifth Day of *March* shall be in the Year of our Lord One thousand eight hundred and thirty-six, and pay the Balances thereof to the Surveyor to be chosen in pursuance of this Act, in the same Manner as they would have done to the Surveyors to have been appointed if this Act had not been passed.

Yearly Accounts to be made by Surveyors, &c. and laid before the Justices at a Special Sessions for the Highways.

Subject to Appeal.

Surveyors appointed under the Act of 13 G. 3. to pass their Accounts at Special Sessions after 25th March 1834.

Justices to hold Special Sessions for Purposes of this Act.

XLV. And be it further enacted, That it shall and may be lawful for the Justices of the Peace within their respective Divisions, or any Two or more of them, and they are hereby required, to hold not less than Eight nor more than Twelve Special Sessions in every Year for executing the Purposes of this Act, the Days of the holding thereof to be appointed at a Special Sessions to be held within Fourteen Days after the Twentieth Day of *March* in every Year: Provided always, that it shall not be necessary to cause any Notice to be given or sent to any Justice acting and residing within such Limits of the Day or Time of the holding thereof; and at the said Special Sessions held next after the Twenty-fifth Day of *March* in every Year the Surveyor of each of the Parishes within their respective Divisions shall verify his Accounts, and shall make a Return in Writing to such Special Sessions of the State of all the Roads, common Highways, Bridges, Causeways, Hedges, Ditches, and

At such Sessions Surveyor to verify Accounts, and make Returns of the State of the Roads, &c.



and Watercourses appertaining thereto, and of all Nuisances and Encroachments, if any, made upon the several Highways within the Parish for which he was Surveyor, as well as the Extent of the different Highways which the said Parish is liable to repair, what Part thereof has been repaired, and with what Materials, at what Expence, and what was the Amount levied during the Time he was Surveyor of the said Parish.

Surveyor may contract for getting and carrying Materials;

but not to share in any Contract, or let to hire any Team, or dispose of any Timber, Stones, &c. without Licence from Two Justices.

Penalty.

Penalty on taking away Materials belonging to Surveyor.

Land allotted to the Parish for Materials, when exhausted, may be sold.

XLVI. And be it further enacted, That in every Parish the Surveyor may and is hereby authorized, with the Consent of the Inhabitants in Vestry assembled, to contract for purchasing, getting, and carrying the Materials required for the Repair of the Highway; and if any Surveyor shall have any Part, Share, or Interest, directly or indirectly, in any Contract or Bargain for Work or Materials to be made, done, or provided upon, for, or on account of any of the Highway or other Works whatsoever under his Care or Management, or shall upon his own Account, directly or indirectly, use or let to hire any Team, or use or sell or dispose of any Materials, to be used or employed in making or repairing such Highway or other Works as aforesaid, (unless a Licence in Writing for the Sale of any such Materials, or to let to hire any such Team, be first obtained from Two Justices of the Peace in Special Sessions assembled,) he shall forfeit for every such Offence, on Conviction, any Sum not exceeding Ten Pounds, and be for ever after incapable of being employed as a Surveyor with a Salary under the Authority of this Act.

XLVII. And be it further enacted, That if any Person shall, without the Consent of the Surveyor, take away Materials which shall have been purchased, gotten, dug, or gathered for the Repair or Use of any Highway, or any Materials out of any Quarry which shall have been made, dug, or opened for the Purpose of getting Materials for any Highway, before the Surveyor and his Workmen shall have discontinued working therein for the Space of Six Weeks, (except the Owner of any private Grounds, and Persons authorized by such Owner to get Materials in such Quarry for his own private Use, and not for Sale,) every Person so offending shall for every such Offence forfeit and pay, on Conviction thereof, any Sum not exceeding Ten Pounds.

XLVIII. And whereas, under Acts of Parliament heretofore made and which may hereafter be made for the inclosing of Waste Land, Parcels of Land have been and may be expressly allotted to Parishes or to the Surveyor of the Highways for the Purpose of obtaining Materials for the Repair of the Highways in such Parish, and the Materials in such Parcels of Land have been and may be exhausted; be it therefore enacted, That in such Cases it shall and may be lawful for the Surveyor of such Parish for the Time being, by and with the Consent of the Vestry, and he is hereby authorized and required, with the Consent in Writing of the Justices of the Peace at a Special Sessions for the Highways, to sell and convey to some Person whose Lands adjoin thereto, or, if he refuse to purchase, to any other Person, the said Parcels of Land from which the said Materials have been so exhausted as aforesaid, at and for such Price as the said Justices may deem fair and reasonable, and with the Money arising therefrom, and with such Consent as aforesaid, to purchase other Lands in lieu thereof.

XLIX. And

XLIX. And be it further enacted, That it shall be in the Power of Tenants for Life, Ecclesiastical and Lay Corporations, and the Proprietors of Entailed Estates, and of the Trustees and Guardians of any Person under any legal Disability or Incapacity, to give up and renounce every Claim of Damage or Compensation for such Ground and Materials as any Highway may occupy on their respective Properties, and that such Renunciation shall be equally binding on the Heirs and Successors of such Persons: Provided nevertheless, that such Renunciation of Claim of Damage or Compensation be in Writing, and signed by such Tenant for Life, Proprietor, Trustee, or Guardian, in the Presence of Two Witnesses, or in the Case of Corporations in such Manner and Form as is usually adopted by such Corporations respectively; and such Renunciation shall be enrolled at the Quarter Sessions which shall be held next after the signing or Execution thereof.

Tenant for Life, &c. may renounce Damages.

L. And be it further enacted, That when any Lands or Tenements have been or shall be given for Maintenance of Highways, the Profits and Proceeds of which are to be applied and disposed of for no other Use, Intent, or Purpose whatsoever, all Persons who are or shall be enfeoffed or trusted with any such Lands or Tenements shall and they are hereby authorized and required to let them to farm at the most improved yearly Value, without Fine, for any Term not exceeding Ninety-nine Years: Provided nevertheless, that previous to the granting of such Lease the Consent of the Justices at a Special Sessions for the Highways, neither of such Justices being interested therein, by Writing under their Hands, shall be obtained as to the Amount of Rent to be received and the Duration of the Term.

Persons enfeoffed with Lands for Maintenance of Highways, &c. shall let them to farm at the most improved Value, with Consent of Justices.

LI. And be it further enacted, That it shall and may be lawful for every such Surveyor, in any Waste Land or Common Ground, River or Brook, within the Parish for which he shall be Surveyor, or within any other Parish wherein Gravel, Sand, Stone, or other Materials are respectively likely to be found, (in case sufficient cannot be conveniently had within the Parish where the same are to be employed, and sufficient shall be left for the Use of the Roads in such other Parish,) to search for, dig, get, and carry away the same, so that the said Surveyor doth not thereby divert or interrupt the Course of such River or Brook, or prejudice or damage any Building, Highway, or Ford, nor dig or get the same out of any River or Brook within the Distance of One hundred and fifty Feet above or below any Bridge, nor within the like Distance of any Dam or Wear; and likewise to gather Stones lying upon any Lands or Grounds within the Parish where such Highway shall be, for such Service and Purpose, and to take and carry away so much of the said Materials as by the Discretion of the said Surveyor shall be thought necessary to be employed in the Amendment of the said Highways, without making any Satisfaction for the said Materials, but Satisfaction shall be made for all Damages done to the Lands or Grounds of any Person or Persons by carrying away the same, in the Manner herein-after directed for getting and carrying Materials in inclosed Lands or Grounds; but no such Stones shall be gathered without the Consent of the Owner of such Lands or Grounds, or a Licence for that Purpose from Two Justices at a Special Sessions for the Highways,

Materials where and in what Manner to be taken by Surveyors.

Power to gather Stones without making Satisfaction, but Satisfaction to be made for Damages done by carrying them away.

ways, after having summoned such Owner to come before him, and heard his Reasons, if he shall appear and give any, for refusing his Consent.

Not to extend to Sea Beach, &c.

LII. Provided always, and be it further enacted, That nothing in this Act contained relative to the gathering or getting of Stones or other Materials shall extend to any Quantity of Stones or other Materials thrown up by the Sea, commonly called Beach, where the Removal of the same would cause any Damage or Injury by Inundation to the Lands adjoining, or increased Danger of Encroachment by the Sea.

Notice to be given before Materials are taken from private Lands.

LIII. And be it further enacted, That it shall not be lawful for any Surveyor, or any other Person acting under the Authority of this Act, to dig, gather, get, take, or carry away any Materials for making or repairing any Highway out of or from any inclosed Land or Ground, until One Calendar Month's Notice in Writing, signed by the Surveyor, shall have been given to the Owner of the Premises from which such Materials are intended to be taken, or to his known Agent, and to the Occupier of the Premises from which such Materials are intended to be taken, or left at the House or last or usual Place of Abode of such Owner or Agent, and also of such Occupier, to appear before the Justices at a Special Sessions for the Highways, to show Cause why such Materials shall not be had therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Surveyor or other Person to dig, get, gather, take, and carry away such Materials at such Time or Times as to such Justices shall seem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear by himself or his Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice) make such Order therein as they shall think fit as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his Agent, had attended.

If the Occupier shows Cause against the Removal, Two Justices shall decide thereon.

If sufficient Materials cannot be found in Waste Lands, &c. Surveyor may take them from the several or inclosed Lands or Grounds, making Satisfaction to the Owners.

LIV. And be it further enacted, That it shall be lawful for every such Surveyor, for the Use aforesaid, by Licence in Writing from the Justices at a Special Sessions for the Highways, to search for, dig, and get Materials, if sufficient cannot be had conveniently within such Waste Lands, Common Grounds, Rivers, or Brooks, in or through any of the several or inclosed Lands or Grounds of any Person whomsoever (such Lands or Grounds not being a Garden, Yard, Avenue to a House, Lawn, Park, Paddock, or inclosed Plantation, or inclosed Wood not exceeding One hundred Acres in extent,) within the Parish where the same shall be wanted, or within any other Parish adjoining or lying near to the Highway for which such Materials shall be required, if it shall appear to such Justices that sufficient Materials cannot be conveniently had in the Parish where such Highways lie, or in the Waste Lands or Common Grounds, Rivers or Brooks of such adjacent Parish, and that a sufficient Quantity of Materials will be left for the Use of the Parish where the same shall be, and to take and carry away so much of the said Materials as by the Discretion of the said Surveyor shall be thought necessary to be employed in the Amendment of the said Highways; the said Surveyor making such Satisfaction for the Materials which may be got or taken away, and also for the Damage done

done to such Lands or Grounds by the getting and carrying away the same, as shall be settled and ascertained by Order of the Justices at a Special Sessions for the Highways.

LV. And be it further enacted, That if any Surveyor or Person employed by him shall, by reason of the searching for, digging, or getting any Materials for repairing any Highways, make any Pit or Hole in Lands, Common Grounds, Rivers, or Brooks as aforesaid wherein such Materials shall be found, he shall forthwith cause the same to be sufficiently fenced off, and such Fence supported and repaired during such Time as the said Pit or Hole shall continue open, and within Three Days after such Pit or Hole shall be opened or made, where no Materials shall be found, cause the same to be forthwith filled up, levelled, and covered with the Turf or Clod which was dug out of the same, and where any such Materials shall be found, within Fourteen Days after having dug up sufficient Materials in such Pit or Hole, cause the same to be filled up or sloped down, and fenced off, if required by the Owner of the Land or Ground, and so continued; and every Surveyor shall within Twenty-one Days after he shall have been appointed to that Office cause all the said Pits and Holes which shall then be open and not likely to be further useful to be filled up or sloped down in manner aforesaid, and if they are likely to be further useful he shall secure the same by Posts and Rails or other Fences to prevent Accidents to Persons or Cattle; and in case such Surveyor or Person shall neglect to fill up, slope down, or fence off such Pit or Hole in manner and within the Time aforesaid, he shall forfeit the Sum of Ten Shillings for every such Default; and in case such Surveyor or Person shall neglect to fence off such Pit or Hole, or to slope down the same, as herein-before directed, for the Space of Six Days after he shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner or Occupier of such several Ground, River, or Brook, or any Person having Right of Common within such Common or Waste Lands as aforesaid, and such Neglect and Notice shall be proved upon Oath before the Justices at a Special Sessions for the Highways, such Surveyor, Person or Persons, shall forfeit and pay any Sum not exceeding Ten Pounds for such Neglect, to be determined and adjudged by such Justices, and to be laid out and applied in the fencing off, filling up, or sloping down such Pit or Hole, and toward the Repair of the Roads in the Parish where the Offence shall be committed, in such Manner as the said Justices shall direct and appoint; which Forfeiture, in case the same be not forthwith paid, shall be levied as other Forfeitures are herein-after directed to be levied.

LVI. And be it further enacted, That if any Surveyor or District Surveyor shall lay or cause to be laid any Heap of Stone, or any other Matter or Thing whatsoever, upon any Highway, and allow the same to remain there at Night to the Danger or personal Damage of any Person passing thereon, all due and reasonable Precaution not having been taken by the said Surveyor to guard against the same, he shall forfeit for every such Offence any Sum not exceeding Five Pounds.

LVII. And be it further enacted, That if any Surveyor shall dig or cause to be dug Materials for the Highways, whereby any Bridge, Mill, Building, Dam, Highway, Occupation Road, Ford, Mines,

If Surveyor shall make Pits or Holes in getting Materials, he shall cause them to be filled up or sloped down, and fenced off;

and in like Manner all those already made.

Penalties on Surveyor for Neglect herein.

Penalty on Surveyor allowing any Heap of Stone, &c. to remain on Highway at Night.

Surveyor damaging Mills, Dams, &c. by digging Mate-

rials, to forfeit  
not exceeding  
5*l*.

Mines, or Tin Works, or other Work, may be damaged or endangered, he shall forfeit for every such Offence, on Conviction, any Sum not exceeding Five Pounds, at the Discretion of the Justices before whom the Complaint thereof shall be made, notwithstanding his Liability to any Civil Action to which he may make himself liable by such Act.

Where a High-  
way lies in Two  
Parishes, the  
Justices to de-  
termine what  
Parts shall be  
repaired by each.

LVIII. ' And whereas it frequently happens that the Boundaries  
' of Parishes pass across or through the Middle of a Common High-  
' way, and one Side of such Highway is situated in one Parish, and  
' the other Side in another Parish, whereby great Inconveniences  
' often arise in repairing the same; be it enacted, That the Justices  
at a Special Sessions for the Highways, on Complaint of any Surveyor of any Parish, (stating in Writing, and on a Plan thereunto annexed, that there is such a Highway, one Side whereof ought to be repaired by one Parish, and the other Side by another, and particularly describing the same by Metes, Bounds, and Admeasurement thereof,) may issue their Summons, with a Copy of such Writing and Plan thereunto annexed, to the Surveyor of such other Parish, to appear before them on a Day mentioned in such Summons; and if the Parties appear such Justices may then proceed finally to decide the Matter, in manner herein mentioned, in case all the Parties shall consent thereto; but in case the Surveyor summoned shall not appear on such first Summons, or appearing shall require further Time, such Justices shall adjourn the further Consideration of the Matter for any further Time, not more than Twenty-one Days nor less than Fourteen Days from the Date of such Adjournment, of which the Surveyor not appearing, or appearing shall require further Time, shall have Notice, on which Day the said Justices shall proceed to hear the Parties and their Witnesses, and, whether the Party summoned does or does not appear, shall proceed to examine and finally determine the Matter in form following; (that is to say,) that it shall and may be lawful for such Justices and they are hereby required to divide the whole of such Common Highway, by a transverse Line crossing such Highway, into equal Parts, or into such unequal Parts and Proportions as, in consideration of the Soil Waters, Floods, and Inequality of such Highway, or any other Circumstances attending the same, they in their Discretion shall think just and right, and to declare, adjudge, and order that the whole of such Highway on both Sides thereof, in any of such Parts, shall be maintained and repaired by one of such Parishes, and that the whole thereof on both Sides, in the other of such Parts, shall be maintained and repaired by the other of such Parishes, and shall cause such their Order, and a Plan of such Highway, and the Allotment thereof as before mentioned, to be fairly delineated on Paper or Parchment, and filed with the Clerk of the Peace of the County in which such Highway shall happen to lie, and shall also cause such Posts, Stones, or other Boundaries to be placed and set up in such Highway as in their Judgment shall be necessary for ascertaining the Division and Allotment thereof: Provided nevertheless, that in the Case of any such last-mentioned Highway, the Repair of any Part of which belongs to any Body Politic or Corporate, or to any Person, by the Reason of Tenure of any Lands, or otherwise howsoever, the same Proceedings may be adopted, but the said Body Politic or Corporate, or Person, or some one on their

Proviso in case  
of Highway  
repaired by  
Party *ratione*  
*tenuræ*, &c.

Behalf,

Behalf, may appear before such Justices, and object to such last-mentioned Proceedings, in which Case the said Justices shall, before they divide such Highway as aforesaid, hear and consider the Objection so made, and determine the same.

LIX. And be it further enacted, That from and after such Order and Plan shall be so filed with the Clerk of the Peace as aforesaid, such Parishes, and Body Politic or Corporate, or Person aforesaid respectively, shall be bound as of Common Right to maintain and keep in repair such Parts of such Highways so allotted to them as aforesaid, and shall be liable to be proceeded against for Neglect of such Duty, and shall in all respects whatsoever be liable and subject to all the Provisions, Regulations, and Penalties contained in this Act, and also shall be discharged from the Repair of such Part of such Highway as shall not be included in their respective Allotment.

Parishes, &c.  
bound to repair  
the Part so  
allotted.

LX. And be it further enacted, That all Costs, Charges, and Expences to be incurred by reason of any of the Proceedings last mentioned shall be borne and defrayed by such Two Parishes, or Body Politic or Corporate, or Person aforesaid, the same being settled and ascertained and duly apportioned between such Parishes by such Justices; and in case the said Parties shall refuse or neglect to pay and discharge their respective Share of such Costs and Expences, it shall and may be lawful for the Justices at a Special Sessions for the Highways to levy the same by Distress and Sale, with Costs of such Distress, on the Goods and Chattels of any Surveyor of the Parish, or of any Body Politic or Corporate, or Person aforesaid, so refusing or neglecting to defray such Costs and Charges as aforesaid.

How Costs of  
Proceedings  
shall be defrayed,  
&c.

LXI. And be it further enacted, That nothing herein contained shall extend or be construed to extend to affect, change, or alter in any Manner whatsoever any Boundaries of Counties, Lordships, Hundreds, Manors, or any other Division of public or private Property, nor the Boundaries of any Parishes or Townships, otherwise than for the Purpose of amending and keeping in repair such particular Portion of the Highway in the Manner herein mentioned.

Boundary of  
Counties, &c.  
not to be  
changed, except  
for the Purpose  
aforesaid.

LXII. And be it further enacted, That any Body Politic or Corporate, or any Person, liable to repair any Highway by reason of Tenure of any Lands, or otherwise howsoever, or the Surveyor of the Parish in which the said Highway is situate, may, if he or either Party shall think proper, having first obtained the Consent of the Inhabitants in Vestry assembled, apply to any Justice for the Purpose of making the said Highway a Parish Highway, and to be repaired by the Surveyor of the said Parish; and the said Justice is hereby authorized and required to issue his Summons, requiring the said Surveyor, or the Party so liable to repair the said Highway as aforesaid, to appear before the Justices at the next Special Sessions for the Highways, and if both Parties appear such Justices may then proceed to determine the Matter; but in case the Surveyor or Party summoned shall not appear on such first Summons, or appearing shall require further Time, such Justices shall adjourn the further Consideration of the Matter to the next Special Sessions for the Highways, of which the said Surveyor or Party not appearing shall have Notice, on which Day the Justices so assembled at such Special Sessions shall proceed to hear the Parties and their Witnesses, and whether the Surveyor or Party summoned do or do not appear,

Highway re-  
paired by Party  
ratione tenuræ,  
&c. may be  
made a Parish  
Highway.

shall proceed to examine and determine the Matter; and in case they decide that the said Highway shall become a Parish Highway, and be thereafter repaired by the Surveyor of the said Parish, they shall, by an Order under their Hands, fix the Proportion of the Expences of repairing the said Highway to be annually paid by such Body Politic or Corporate or Person as aforesaid to the Surveyor of the said Parish; and the Order of the said Justices shall be binding on the Surveyor and the said Parish, and the said Body Politic or Corporate or Person as aforesaid, their Heirs, Successors, and Assigns: Provided nevertheless, that the said Justices, instead of fixing the Proportion of the Expences of repairing the said Highway to be annually paid as aforesaid, may, by an Order under their Hands, fix a certain Sum to be paid by such Body Politic or Corporate or Person as aforesaid to the Surveyor of the said Parish in full Discharge of all Claims thereafter in respect of the Repairs of such Highway; and in default of Payment of such last-mentioned Sum or of such annual Sum as aforesaid the said Surveyor may proceed for the Recovery thereof in the same Manner as any Penalties and Forfeitures are recoverable under this Act: Provided always, that when the Sum so fixed to be paid in full Discharge of all Claims thereafter in respect of the Repair of such Highways shall exceed the Sum of One hundred Pounds, the said Sum when received shall be vested, in the Name of the Minister, Churchwardens, and Surveyors of the Highways of the Parish within which such Highway shall be situate, in some Public Government Securities, and the Interest and Dividends from Time to Time arising or accruing therefrom shall be applied towards the Repairs of the Highways within the said Parish: Provided also, that when the Sum so fixed to be paid in full Discharge of all Claims as aforesaid shall not exceed the Sum of One hundred Pounds, the said last-mentioned Sum, or any Part thereof, on the Application by and with the Consent of the Inhabitants of the Parish in Vestry assembled, and of the Justices in Special Sessions assembled, shall and may be paid to the Surveyor of the said Parish to be applied towards the Repair of the Highways within the said Parish.

What shall be deemed the Centre of the Highway.

LXIII. And be it further enacted, That where in this Act any Matter or Thing is directed or forbidden to be done within a certain Distance of the Centre of the Highway, that Portion of Ground shall be deemed and taken to be the Highway which has been maintained by the Surveyor as Highway, and repaired with Stones or other Materials used in forming Highways, for the Six Months immediately preceding; and the Centre of the Highway shall be the Middle of such Highway, where a Line being drawn along the Highway, or a Point marked, an equal Number of Feet of Highway which have been so maintained and repaired as aforesaid for Twelve Months before shall be found on each Side of such Line or Mark.

No Tree, &c. allowed to be planted within 15 Feet of the Centre of the Carriageway.

LXIV. And be it further enacted, That no Tree, Bush, or Shrub shall hereafter be planted on any Carriageway or Cartway, or within the Distance of Fifteen Feet from the Centre thereof; but the same shall respectively be cut down, grubbed up, and carried away by the Owner or Occupier of the Land or Soil within Twenty-one Days after Notice to him or his Agent by the Surveyor, on pain of forfeiting for every Neglect the Sum of Ten Shillings.

LXV. And be it further enacted, That if the Surveyor shall think that any Carriageway or Cartway is prejudiced by the Shade of any Hedges, or by any Trees (except those Trees planted for Ornament or for Shelter to any Hop Ground, House, Building, or Court Yard or the Owner thereof,) growing in or near such Hedges or other Fences, and that the Sun and Wind are excluded from such Highway, to the Damage thereof, or if any Obstruction is caused in any Carriageway or Cartway by any Hedge or Tree, it shall be lawful for any One Justice of the Peace, on the Application of the said Surveyor, to summon the Owner of the Land on which such Hedges or Trees are growing next adjoining to such Carriageway or Cartway to appear before the Justices at a Special Sessions for the Highways to show Cause why the said Hedges are not cut, pruned, or plashed, or such Trees not pruned or lopped, in such Manner that the Carriageway or Cartway shall not be prejudiced by the Shade thereof, and that the Sun and Wind may not be excluded from such Carriageway or Cartway to the Damage thereof, or why the Obstruction caused in such Carriageway or Cartway should not be removed; and the Question as to the cutting, pruning, or plashing such Hedges, or the pruning and lopping such Trees, or the Removal of such Obstruction as aforesaid, shall, upon Proof of the Service of such Summons, and whether the said Owner attend or not, be determined at the Discretion of such last-mentioned Justices; and if such Justices shall order and direct that such Hedges shall be cut, pruned, or plashed, or such Trees pruned or lopped, in manner aforesaid, or such Obstruction removed, the said Owner shall comply therewith within Ten Days after a Copy of such Order shall have been left at the usual Place of Abode of the said Owner or of his Steward or Agent, and in default thereof shall forfeit, on Conviction, a Sum not exceeding Forty Shillings; and the said Surveyor, if the Order of the said Justices is not complied with, shall and he is hereby authorized and required to cut, prune, or plash such Hedges, and to prune and lop such Trees, for the Benefit and Improvement of the Highway, and to remove such Obstruction as aforesaid, to the best of his Skill and Judgment, and according to the true Intent and Meaning of this Act; and the said Surveyor shall be reimbursed by the Owner as aforesaid what Charges and Expences he shall be at in cutting, pruning, and plashing such Hedges, and pruning and lopping such Trees, and the Removal of such Obstruction, over and above the said Forfeiture; and it shall and may be lawful for the Justices at a Special Sessions for the Highways, upon Proof to them made upon Oath, to levy as well the Expences of cutting, pruning, and plashing such Hedges, or pruning and lopping such Trees, or Removal of such Obstructions as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, in such Manner as Distresses and Sales for Forfeitures are authorized and directed to be levied by virtue of this Act.

Mode of proceeding if Highway is prejudiced by Hedges, &c.

LXVI. Provided always, and be it further enacted, That no Person shall be compelled nor any Surveyor permitted to cut or prune any Hedge at any other Time than between the last Day of *September* and the last Day of *March*; and that no Person shall be obliged to fell any Timber Trees growing in Hedges at any Time

Time of cutting Hedges and Trees.



whatsoever except where the Highways shall be ordered to be widened or enlarged as herein mentioned, or then to cut down or grub up any Oak Trees growing in such Highway or in such Hedges except in the Months of *April, May, or June*, or any Ash, Elm, or other Trees in any other Months than *December, January, February, or March*.

Surveyor to make and keep open Ditches, &c., and to lay Trunks, &c. through Lands adjoining Highway, paying for Damage if any incurred.

LXVII. And be it further enacted, That the said Surveyor, District Surveyor, or Assistant Surveyor shall have Power to make, scour, cleanse, and keep open all Ditches, Gutters, Drains, or Watercourses, and also to make and lay such Trunks, Tunnels, Plats, or Bridges, as he shall deem necessary, in and through any Lands or Grounds adjoining or lying near to any Highway, upon paying the Owner or Occupier of such Lands or Grounds, provided they are not Waste or Common, for the Damages which he shall sustain thereby, to be settled and paid in such Manner as the Damages for getting Materials in inclosed Lands or Grounds are herein directed to be settled and paid.

Owner, Occupier, &c. not to alter such Ditches without Consent.

LXVIII. And be it further enacted, That if any Owner, Occupier, or other Person shall alter, obstruct, or in any Manner interfere with any such Ditches, Gutters, Drains, or Watercourses, Trunks, Tunnels, Plats, or Bridges, after they shall have been made by or taken under the Charge of such Surveyor or District Surveyor, and without his Authority and Consent, such Owner, Occupier, or other Person shall be liable to reimburse all Charges and Expences which may be occasioned by reinstating and making good the Works so altered, obstructed, or interfered with, and shall also forfeit any Sum not exceeding Three Times the Amount of such Charges and Expences.

Penalty for encroaching on Highway.

LXIX. And be it further enacted, That if any Person shall encroach by making or causing to be made any Building, Hedge, Ditch, or other Fence on any Carriageway or Cartway within the Distance of Fifteen Feet from the Centre thereof, every Person so offending shall forfeit, on Conviction, for every such Offence, any Sum not exceeding Forty Shillings; and the Surveyor who hath the Care of any such Carriageway or Cartway shall and he is hereby required to cause such Building, Hedge, Ditch, or Fence to be taken down or filled up at the Expence of the Person to whom the same shall belong; and it shall and may be lawful for the Justices at a Special Sessions for the Highways, upon Proof to them made upon Oath, to levy as well the Expences of taking down such Building, Hedge, or Fence, or filling up such Ditch as aforesaid, as the several and respective Penalties hereby imposed, by Distress and Sale of the Offender's Goods and Chattels, in such Manner as Distresses and Sales for Forfeitures are authorized and directed to be levied by virtue of this Act.

Encroachment to be taken down by the Surveyor.

LXX. And be it further enacted, That from and after the Commencement of this Act it shall not be lawful for any Person to sink any Pit or Shaft, or to erect or cause to be erected any Steam Engine, Gin, or other like Machine, or any Machinery attached thereto, within the Distance of Twenty-five Yards, nor any Windmill within Fifty Yards, from any Part of any Carriageway or Cartway, unless such Pit or Shaft or Steam Engine, Gin, or other like Engine or Machinery, shall be within some House or other Building, or behind some Wall or Fence, sufficient to conceal or screen

Steam Engines, &c. not to be erected within a certain Distance of Roads.

screen the same from the said Carriageway or Cartway, so that the same may not be dangerous to Passengers, Horses, or Cattle; nor shall it be lawful for any Person to make or cause to be made any Fire for calcining or burning of Ironstone, Limestone, Bricks, or Clay, or the making of Cokes, within the Distance of Fifteen Yards from any Part of the said Carriageway or Cartway, unless the same shall be within some House or other Building, or behind some Wall or Fence, sufficient to screen the same from the same Carriageway or Cartway as aforesaid; and in case any Person shall offend in any of the Cases aforesaid, every such Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for each and every Day such Pit, Shaft, Windmill, Steam Engine, Gin, Machine, or Fire shall be permitted to continue contrary to the Provisions of this Act; which said Penalties shall be levied, recovered, and applied in such and the same Manner as any Penalty or Forfeiture for any other Offence on any Highway may be levied, recovered, and applied: Provided, that nothing herein contained shall be construed to restrain any Person or Persons from using, repairing, rebuilding, or enlarging any Windmill, Steam Engine, Gin, or other like Machine, or any Kiln or other Erection used for the Purpose of calcining or burning of Ironstone, Limestone, Bricks, or Clay, or the making of Cokes, which may have been erected and may be in existence at the passing of this Act.

LXXI. And be it further enacted, That whenever a Railroad shall cross any Highway for Carts or Carriages, the Proprietors of the said Railroad shall make and maintain good and sufficient Gates at each of the said Crossings, and shall employ good and proper Persons to attend to the opening and shutting of such Gates, so that the Persons, Carts, or Carriages passing along such Road shall not be exposed to any Danger or Damage by the passing of any Carriages or Engines along the said Railroad; and any Complaint for any Neglect in respect of the said Gates shall be made within Ten Days after the said Neglect to One Justice, who may summon the Party so complained against to appear before the Justices at their next Special Sessions for the Highways, who shall hear and decide upon the said Complaint, and the Proprietor so offending shall forfeit any Sum not exceeding Five Pounds.

Proprietors of Railways to erect Gates, &c. where they cross Highways.

LXXII. And be it further enacted, That if any Person shall wilfully ride upon any Footpath or Causeway by the Side of any Road made or set apart for the Use or Accommodation of Foot Passengers; or shall wilfully lead or drive any Horse, Ass, Sheep, Mule, Swine, or Cattle, or Carriage of any Description, or any Truck or Sledge, upon any such Footpath or Causeway; or shall tether any Horse, Ass, Mule, Swine, or Cattle on any Highway, so as to suffer or permit the tethered Animal to be thereon; or shall cause any Injury or Damage to be done to the said Highway, or the Hedges, Posts, Rails, Walls, or Fences thereof; or shall wilfully obstruct the Passage of any Footway; or wilfully destroy or injure the Surface of any Highway; or shall wilfully or wantonly pull up, cut down, remove, or damage the Posts, Blocks, or Stones fixed by the said Surveyor as herein directed; or dig or cut down the Banks which are the Securities and Defence of the said Highways; or break, damage, or throw down the Stones, Bricks, or Wood fixed upon the Parapets or Battlements of Bridges, or otherwise injure

Penalty on Persons committing Nuisances by riding on Footpaths, &c.;

by injuring the Road;

by damaging Banks, Causeways, Direction Posts, Milestones, &c.;

or deface the same; or pull down, destroy, obliterate, or deface any Milestone or Post, Graduated or Direction Post or Stone, erected upon any Highway; or shall play at Football or any other Game on any Part of the said Highways, to the Annoyance of any Passenger or Passengers; or if any Hawker, Higgler, Gipsy, or other Person travelling shall pitch any Tent, Booth, Stall, or Stand, or encamp, upon any Part of any Highway; or if any Person shall make or assist in making any Fire, or shall wantonly fire off any Gun or Pistol, or shall set fire to or wantonly let off or throw any Squib, Rocket, Serpent, or other Firework whatsoever, within Fifty Feet of the Centre of such Carriageway or Cartway; or bait, or run for the Purpose of baiting, any Bull upon or near any Highway; or shall lay any Timber, Stone, Hay, Straw, Dung, Manure, Lime, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever, upon such Highway, to the Injury of such Highway, or to the Injury, Interruption, or personal Danger of any Person travelling thereon; or shall suffer any Filth, Dirt, Lime, or other offensive Matter or Thing whatsoever, to run or flow into or upon any Highway from any House, Building, Erection, Lands, or Premises adjacent thereto; or shall in any Way wilfully obstruct the free Passage of any such Highway; every Person so offending in any of the Cases aforesaid shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above the Damages occasioned thereby.

by making  
Fires;

by baiting  
Bulls;

by laying Timber,  
&c.;

by running of  
Filth.

Matters laid on  
or near High-  
way, so as to be  
a Nuisance, to  
be removed on  
Notice; or on  
Failure, Sur-  
veyor to dis-  
pose of the  
same by Order  
of a Justice.

LXXIII. And be it further enacted, That if any Timber, Stone, Hay, Straw, Dung, Manure, Lime, Soil, Ashes, Rubbish, or other Matter or Thing whatsoever shall be laid upon any Highway so as to be a Nuisance, and shall not, after Notice given by the Surveyor, Assistant Surveyor, or District Surveyor, be forthwith removed, it shall and may be lawful for the Surveyor, Assistant Surveyor, or District Surveyor, by Order in Writing from any One Justice, to clear the said Highway by removing the said Stone, Hay, Straw, Dung, Manure, Soil, Ashes, Rubbish, or other Matter or Thing as aforesaid, and to dispose of the same, and to apply the Proceeds arising therefrom towards the Repairs of the Highway within the Parish in which such Highway may be situate: Provided nevertheless, that if any Soil, Ashes, or Rubbish shall be laid on any Highway, and such Soil, Ashes, or Rubbish shall not be of sufficient Value to defray the Expence of removing them; the Person who laid or deposited such Soil, Ashes, or Rubbish shall repay to the said Surveyor, Assistant Surveyor, or District Surveyor the Money which he shall have necessarily expended for the Removal thereof, which Money, in case the same shall not be forthwith repaid, shall be levied as Forfeitures are herein directed to be levied.

Surveyor to  
impound Cattle  
found straying  
on Highways  
until the Penalty  
herein imposed  
and the Charges  
are paid.

LXXIV. And be it further enacted, That if any Horse, Ass, Sheep, Swine, or other Beast or Cattle of any Kind shall at any Time be found wandering, straying, or lying, or being depastured, on any Highway or on the Sides thereof, without a Keeper, (except on such Parts of any Road as lead or pass through or over any Common or Waste or uninclosed Ground,) any Surveyor, or any other Person authorized by him, is hereby required to seize and impound every such Horse, Ass, Sheep, Swine, or other Beast or Cattle in the Common Pound (if any) of the Parish where  
the

the same shall be found, or in such other Place as the Surveyor shall have provided or shall provide for that Purpose, and the said Horse, Ass, Sheep, Swine, or other Beast or Cattle there to detain until the Owner thereof shall for every and each Horse, Ass, Sheep, Swine, or other Beast or Cattle so impounded, pay any Sum not exceeding One Shilling, together with the reasonable Charges and Expences, such Charges and Expences to be settled by any Two Justices of the Peace, of impounding and keeping the same, to the Surveyor of the Parish in which the Beast so impounded shall have been found, the said Sum so paid for each Beast to be applied to the Repair of the said Highway; and in case the said Penalty, Charges, and Expences shall not be paid within Five Days after such impounding, (Notice being thereof first given to the Owner, if known at the Time,) it shall and may be lawful for any Two Justices of the Peace to order every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, to be sold, except where it shall be made to appear to such Justices that the Horse, Ass, Sheep, Swine, or other Beast or Cattle impounded escaped from any Inclosure by any Gate or Fence being wilfully or negligently left open or destroyed by any Person not being Owner of such Inclosure, nor employed by such Owner, or that it arose from Accident, and was not wilful, in which Case such Justices may remit the said Penalty; and the Money arising from such Sale, after deducting the said Penalty, and Charges and Expences of impounding, keeping, and selling every such Horse, Ass, Sheep, Swine, or other Beast or Cattle, shall be paid to the Person whose Property the same so sold shall appear to have been; and in case the Owner thereof shall not be known, and no Application shall be made for the Money arising from such Sale within One Calendar Month after such Sale shall have taken place, the said Money shall be applied, after deducting the said Charges and Expences, in the same Manner as the said Penalty of One Shilling is herein directed to be applied: Provided always, that no Owner of any Horse, Ass, Sheep, Swine, or other Beast or Cattle impounded as aforesaid shall in any Case pay more than the Sum of Twenty Shillings, over and above the Charges and Expences of impounding and keeping the same, for any Number of Horses, Asses, Sheep, Swine, or other Beast or Cattle impounded at One Time: And provided always, that nothing in this Act shall be deemed, taken, or construed to extend to take away any Right of Pasturage which may exist on the Sides of any Highway.

Limiting the  
Extent of  
Penalty.

Right of Pas-  
turage not taken  
away.

LXXV. And be it further enacted, That in case any Person shall release or attempt to release any Horse, Ass, Sheep, Swine, or other Beast or Cattle which shall be seized for the Purpose of being impounded under the Authority of this Act from the Pound or Place where the same shall be so impounded, or in the Way to or from any such Pound or Place, or shall pull down, damage, or destroy the same Pound or Place, or any Part thereof, or any Lock or Bolt belonging thereto or with which the same shall be fastened, or shall rescue or release, or attempt to rescue or release, any Distress or Levy which shall be made under the Authority of this Act, until or before such Horse, Ass, Sheep, Swine, or other Beast or Cattle seized or so impounded, or such Distress or Levy so made, shall be discharged by due Course of Law, every Person

Punishing Per-  
sons guilty of  
Pound-breach.

so offending shall, upon Conviction thereof before any Two of His Majesty's Justices of the Peace, either upon Confession of the Party or Parties offending, or upon Oath of One credible Witness, forfeit and pay any Sum not exceeding Twenty Pounds, at the Discretion of the said Justices, and in default thereof be committed by such Justices, by Warrant under their Hands and Seals, to the House of Correction of the County wherein the said Offence shall have been committed, there to be kept to hard Labour for any Time, at the Discretion of the Justices, not exceeding Three Calendar Months.

Names of Owners to be painted on all Waggon, &c. in the Manner herein mentioned.

LXXVI. And be it further enacted, That the Owner of every Waggon, Cart, or other such Carriage shall paint or cause to be painted in One or more straight Line or Lines, upon some conspicuous Part of the Right or Off Side of his Waggon, Cart, or other such Carriage, or upon the Off-side Shafts thereof, before the same shall be used on any Highway, his Christian Name and Surname, or the Style and Title by which he is commonly designated, and the Place of his Trade or Abode, or the Christian and Surname and Place of Trade or Abode of a Partner or Owner thereof, at full Length, in large legible Letters in White upon Black or Black upon White, not less than One Inch in Height, and continue the same thereupon so long as such Waggon, Cart, or other such Carriage shall be used upon any Highway; and every Owner of any Waggon, Cart, or other such Carriage who shall use or allow the same to be used on any Highway without the Name and Descriptions painted thereon as aforesaid, or who shall suffer the same to become illegible, or who shall paint or cause to be painted any false or fictitious Name or Place of Trade or Abode on such Waggon or Cart or other such Carriage, shall forfeit and pay, on Conviction, for every such Offence a Sum not exceeding Forty Shillings, with or without Costs, as to the Justices before whom the Conviction shall take place shall think fit.

One Driver may take charge of Two Carts, provided they are drawn only by One Horse each.

LXXVII. And be it further enacted, That no One Person shall act as the Driver of more than Two Carts, Waggon, or other such Carriages on any Highway: Provided always, that it shall and may be lawful for any One Person to act as the Driver of Two Carts, Waggon, or other such Carriages on any Highway, and for such Carts to pass and travel on any Highway being only under the Care and Superintendence of such single Person: Provided always, that such Carts, Waggon, or other Carriages, when under the Care of only One Person, shall not be drawn by more than One Horse each, and the Horse of the hinder Cart, Waggon, or other Carriage shall be attached by a Rein in Length not exceeding Four Feet to the Back of the Cart, Waggon, or other Carriage which shall be foremost; and in case the said Horse shall not be so attached, the Driver of the said Carts, Waggon, or other Carriages shall forfeit, on Conviction, the Sum of Twenty Shillings, to be recovered as other Penalties are by this Act to be recovered.

Drivers of Waggon or Carts not to ride thereon unless some other Person guide them.

LXXVIII. And be it further enacted, That if the Driver of any Waggon, Cart, or other Carriage of any Kind shall ride upon any such Carriage, or upon any Horse or Horses drawing the same, on any Highway, not having some other Person on Foot or on Horseback to guide the same (such Carriages and Carts as are driven with Reins, and are conducted by some Person holding the

the Reins of all the Horses drawing the same, excepted); or if the Driver of any Carriage whatsoever on any Part of any Highway shall by Negligence or wilful Misbehaviour cause any Hurt or Damage to any Person, Horse, Cattle, or Goods conveyed in any Carriage passing or being upon such Highway, or shall quit the same and go on the other Side of the Hedge or Fence inclosing the same, or negligently or wilfully be at such Distance from such Carriage or in such a Situation whilst it shall be passing upon such Highway that he cannot have the Direction and Government of the Horses or Cattle drawing the same, or shall leave any Cart or Carriage on such Highway so as to obstruct the Passage thereof; or if any Person shall drive or act as the Driver of any Waggon, Cart, or other such Carriage not having the Owner's Name as hereby required painted and remaining legible thereon, and shall refuse to tell or to discover the true Christian and Surname of the Owner or principal Owners of such Waggon, Cart, or Carriage; or if the Driver of any Waggon, Cart, or other Carriage whatsoever, or of any Horses, Mules, or other Beast of Draught or Burthen, meeting any other Waggon, Cart, or other Carriage, or Horses, Mules, or other Beasts of Burthen, shall not keep his Waggon, Cart, or Carriage, or Horses, Mules, or other Beasts of Burthen, on the Left or Near Side of the Road; or if any Person shall in any Manner wilfully prevent any other Person from passing him, or any Waggon, Cart, or other Carriage, or Horses, Mules, or other Beasts of Burthen, under his Care, upon such Highway, or by Negligence or Misbehaviour prevent, hinder, or interrupt the free Passage of any Person, Waggon, Cart, or other Carriage, or Horses, Mules, or other Beasts of Burthen, on any Highway, or shall not keep his Waggon, Cart, or other Carriage, or Horses, Mules, or other Beasts of Burthen, on the Left or Near Side of the Road, for the Purpose of allowing such Passage; or if any Person riding any Horse or Beast, or driving any Sort of Carriage, shall ride or drive the same furiously so as to endanger the Life or Limb of any Passenger; every Person so offending in any of the Cases aforesaid, and being convicted of any such Offence, either by his own Confession, the View of a Justice, or by the Oath of One or more credible Witnesses, before any Two Justices of the Peace, shall, in addition to any Civil Action to which he may make himself liable, for every such Offence forfeit any Sum not exceeding Five Pounds in case such Driver shall not be the Owner of such Waggon, Cart, or other Carriage, and in case the Offender be the Owner of such Waggon, Cart, or other Carriage, then any Sum not exceeding Ten Pounds, and in either of the said Cases shall, in default of Payment, be committed to the Common Gaol or House of Correction, there to be kept to hard Labour, for any Time not exceeding Six Weeks, unless such Forfeiture shall be sooner paid; and every such Driver offending in either of the said Cases shall and may by the Authority of this Act, with or without any Warrant, be apprehended by any Person who shall see such Offence committed, and shall be conveyed before any Justice of the Peace, to be dealt with according to Law; and if any such Driver in any of the Cases aforesaid shall refuse to discover his Name, it shall and may be lawful for the said Justice of the Peace before whom he shall be taken, or to whom any such Complaint shall

Drivers causing Hurt or Damage to others, or quitting the Road, or driving Carriage without Owner's Name, or not keeping the Left or Near Side, or interrupting free Passage, if not the Owner to forfeit 20s.; if he be the Owner, 40s.

Proceeding if Driver will not discover his Name.

shall be made, to commit him to the Common Gaol or House of Correction, there to be kept to hard Labour, for any Time not exceeding Three Months, or to proceed against him for the Penalty aforesaid by a Description of his Person and the Offence only, without adding any Name or Designation, but expressing in the Proceedings that he refused to discover his Name.

For securing  
unknown  
Offenders.

LXXIX. 'And whereas Offences may be committed against this Act by Persons whose Names are unknown to the Surveyor, Assistant Surveyor, or District Surveyor;' be it therefore enacted, That it shall be lawful for the Surveyor, Assistant Surveyor, or District Surveyor, or any Person acting under his Authority, and such other Person as he shall call to his Assistance, or any other Person witnessing the Commission of the Offence, without any other Authority than this Act, to seize and detain such unknown Person who shall commit any such Offence, and take him forthwith before any Justice of the Peace, who shall proceed and act with respect to such Offence according to the Provisions of this Act.

Cartways to be  
Twenty Feet  
wide, Horse-  
ways Eight  
Feet, and Foot-  
ways Three  
Feet.

LXXX. And be it further enacted, That the said Surveyor shall and he is hereby required to make, support, and maintain, or cause to be made, supported, and maintained, every public Cartway leading to any Market Town Twenty Feet wide at the least, and every public Horseway Eight Feet wide at the least, and to support and maintain every public Footway by the Side of any Carriageway or Cartway Three Feet at the least, if the Ground between the Fences including the same will admit thereof: Provided nevertheless, that nothing herein contained shall require any Surveyor to make or form any public Footway without the Consent of the Inhabitants in Vestry assembled.

Width of Gates  
across public  
Cartways and  
Horseways.

LXXXI. And be it further enacted, That if any Gate across any public Cartway shall be less than Ten Feet wide, or any Gate across any public Horseway shall be less than Five Feet wide, clear between the Posts thereof, then and in every such Case, upon Notice in Writing from the Surveyor to the Person to whom such Gate shall belong, left at the Dwelling House of such Person or his Steward or Agent, requiring him to enlarge the same, if such Person shall neglect for the Space of Twenty-one Days after such Notice shall have been left as aforesaid to remove or enlarge such Gate, he shall forfeit a Sum not exceeding Ten Shillings for every Day he shall so neglect to remove or to enlarge such Gate as aforesaid.

Justices may  
order narrow  
Highways to be  
widened.

LXXXII. Provided always, and be it further enacted, That where it shall appear, upon the View of Two Justices of the Peace, that any Highway is not of sufficient Breadth, and might be widened and enlarged, such Justices shall and they are hereby empowered, within their respective Divisions, to order such Highway respectively to be widened and enlarged in such Manner as they shall think fit, so that the said Highway, when widened and enlarged, shall not exceed Thirty Feet in Breadth; and that neither of the said Powers do extend to pull down any House or Building, or to take away the Ground of any Garden, Lawn, Yard, Court, Park, Paddock, planted Walk, Plantation, or Avenue to any House, or any inclosed Ground set apart for Building Ground or as a Nursery for Trees; and for the Satisfaction of the Person,

Body

Body Politic or Corporate, who is seised or possessed of or interested in their own Right, or in Trust for any other Person, in the said Ground that shall be laid into the said Highway respectively so to be widened and enlarged, the said Surveyor, under the Direction and with the Approbation of the said Justices in Writing, shall and is hereby empowered to make an Agreement with him for the Recompence to be made for such Ground, and for the making such new Ditches and Fences as shall be necessary, according and in proportion to their several and respective Interests therein, and also with any other Person, Body Politic or Corporate, that may be injured by the widening and enlarging such Highway, for the Satisfaction to be made to him respectively as aforesaid; and if the said Surveyor, under the Direction and with the Approbation of the said Justices, cannot agree with the said Person, Body Politic or Corporate, or if he cannot be found, or shall refuse to treat or take such Recompence or Satisfaction as shall be offered to them respectively by such Surveyor, then the Justices of the Peace at any General Quarter Sessions to be holden for the Limit wherein such Ground shall lie, upon Certificate in Writing signed by the Justices making such View as aforesaid of their Proceedings in the Premises, and upon Proof of Fourteen Days Notice in Writing having been given by the Surveyor of such Parish to the Owner, Occupier, or other Person, Body Politic or Corporate, interested in such Ground, or to his Guardian, Trustee, Clerk, or Agent, signifying an Intention to apply to such Quarter Sessions for the Purpose of taking such Ground, shall impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and the said Jury shall, upon their Oaths, to the best of their Judgment, assess the Damages to be given and Recompence to be made to the Owners and others interested as aforesaid in the said Ground for their respective Interests, as they shall think reasonable, not exceeding Forty Years Purchase for the clear yearly Value of the Ground so laid out, and likewise such Recompence as they shall think reasonable for the making of new Ditches and Fences on the Side of the said Highway that shall be so widened and enlarged, and also Satisfaction to any Person, Body Politic or Corporate, that may be otherwise injured by the widening and enlarging the said Highways respectively; and upon Payment or Tender of the Money so to be awarded and assessed to the Person, Body Politic or Corporate, entitled to receive the same, or leaving it in the Hands of the Clerk of the Peace of such Limit, in case such Person, Body Politic or Corporate, cannot be found or shall refuse to accept the same, for the Use of the Owner of or others interested in the said Ground, the Interest of the said Person, Body Politic or Corporate, in the said Ground shall be for ever divested out of them; and the said Ground, after such Agreement or Verdict as aforesaid, shall be esteemed and taken to be a public Highway to all Intents and Purposes whatsoever; saving nevertheless to the Owner of such Ground all Mines, Minerals, and Fossils lying under the same which can or may be got without breaking the Surface of the said Highway, and also all Timber and Wood growing upon such Ground, to be felled and taken by such Owner within One Month after such Order shall have been made, or in default thereof to be felled by the said Surveyor within the respective

Surveyor to agree with Owners of Lands for Recompence, and if they cannot agree the same may be assessed by a Jury at the Quarter Sessions.

On Payment of Money assessed, Ground to be deemed a public Highway.



Where there is not Money sufficient, a further Rate may be made, by Order of the Justices at their Quarter Sessions, not exceeding One Third of Rate.

tive Months aforesaid, and laid upon the Land adjoining, for the Benefit of the said Owner; and where there shall not appear sufficient Money in the Hands of the Surveyor for the Purpose aforesaid, then the said Two Justices in Cases of Agreement, or the said Court of Quarter Sessions after such Verdict as aforesaid, shall direct the Surveyor to make, collect, and levy an equal Rate in the same Manner as the Rate by this Act authorized to be made, and to pay the Money to the Person, Body Politic or Corporate, so interested, in such Manner as the said Justices or Court of Quarter Sessions respectively shall direct and appoint; and the Money thereby raised shall be employed and accounted for, according to the Order and Direction of the said Justices or Court of Quarter Sessions respectively, for and towards the purchasing the Land to widen and enlarge the said Highway, and for making the said Ditches and Fences, and also Satisfaction for the Damages sustained thereby; provided that no such Rate to be made in any One Year shall exceed One Third Part of the Rate by this Act authorized to be levied, in addition to the Rate for the Repair of the Highways.

Cost of Proceedings, by whom payable.

LXXXIII. And be it further enacted, That in case such Jury shall give in and deliver a Verdict for more Monies as a Recompence for the Right, Interest, or Property of any Person, Body Politic or Corporate, in such Lands or Grounds, or for the making such Fence, or for such Damage or Injury to be sustained by him as aforesaid, than what shall have been proposed and offered by the said Surveyor before such Application to the said Court of Quarter Sessions as aforesaid, that then and in such Case the Costs and Expences attending the said several Proceedings shall be borne and paid by the Surveyor out of the Monies in his Hands or to be assessed and levied by virtue and under the Powers of this Act; but if such Jury shall give and deliver a Verdict for no more or for less Monies than shall have been so offered and proposed by the said Surveyor before such Application to the said Court of Quarter Sessions, that then the said Costs and Expences shall be borne and paid by the Person, Body Politic or Corporate, who shall have refused to accept the Recompence and Satisfaction so offered to him as aforesaid.

Previous to a Highway being stopped up, &c. Surveyor to request Justices to view the same.

LXXXIV. And be it further enacted, That when the Inhabitants in Vestry assembled shall deem it expedient that any Highway should be stopped up, diverted, or turned, either entirely or reserving a Bridleway or Footway along the Whole or any Part or Parts thereof, the Chairman of such Meeting shall, by an Order in Writing, direct the Surveyor to apply to Two Justices to view the same, and shall authorize him to pay all the Expences attending such View, and the stopping up, diverting, or turning such Highway, either entirely or subject to such Reservation as aforesaid, out of the Money received by him for the Purposes of this Act: Provided nevertheless, that if any other Party shall be desirous of stopping up, diverting, or turning any Highway as aforesaid, he shall, by a Notice in Writing, require the Surveyor to give Notice to the Churchwardens to assemble the Inhabitants in Vestry, and to submit to them the Wish of such Person; and if such Inhabitants shall agree to the Proposal, the said Surveyor shall apply to the Justices as last aforesaid for the Purposes aforesaid; and in  
such

such Case the Expences aforesaid shall be paid to such Surveyor by the said Party, or be recoverable in the same Manner as any Forfeiture is recoverable under this Act; and the said Surveyor is hereby required to make such Application as aforesaid.

LXXXV. And be it further enacted, That when it shall appear upon such View of such Two Justices of the Peace, made at the Request of the said Surveyor as aforesaid, that any public Highway may be diverted and turned, either entirely or subject as aforesaid, so as to make the same nearer or more commodious to the Public, and the Owner of the Lands or Grounds through which such new Highway so proposed to be made shall consent thereto by Writing under his Hand, or if it shall appear upon such View that any public Highway is unnecessary, the said Justices shall direct the Surveyor to affix a Notice in the Form or to the Effect of Schedule (No. 19.) to this Act annexed, in legible Characters, at the Place and by the Side of each End of the said Highway from whence the same is proposed to be turned, diverted, or stopped up, either entirely or subject as aforesaid, and also to insert the same Notice in One Newspaper published or generally circulated in the County where the Highway so proposed to be diverted and turned or stopped up, either entirely or subject as aforesaid, (as the Case may be,) shall lie, for Four successive Weeks next after the said Justices have viewed such public Highway, and to affix a like Notice on the Door of the Church of every Parish in which such Highway so proposed to be diverted, turned, or stopped up, either entirely or subject as aforesaid, or any Part thereof, shall lie, on Four successive *Sundays* next after the making such View; and the said several Notices having been so published, and Proof thereof having been given to the Satisfaction of the said Justices, and a Plan having been delivered to them at the same Time particularly describing the old and the proposed new Highway, by Metes, Bounds, and Admeasurement thereof, which Plan shall be verified by some competent Surveyor, the said Justices shall proceed to certify under their Hands the Fact of their having viewed the said Highway as aforesaid, and that the proposed new Highway is nearer or more commodious to the Public; and if nearer, the said Certificate shall state the Number of Yards or Feet it is nearer, or if more commodious, the Reasons why it is so; and if the Highway is proposed to be stopped up as unnecessary, either entirely or subject as aforesaid, then the Certificate shall state the Reason why it is unnecessary; and the said Certificate of the said Justices, together with the Proof and Plan so laid before them as aforesaid, shall, as soon as conveniently may be after the making of the said Certificate, be lodged with the Clerk of the Peace for the County in which the said Highway is situated, and shall (at the Quarter Sessions which shall be holden for the Limit within which the Highway so diverted and turned or stopped up, either entirely or subject as aforesaid, shall lie, next after the Expiration of Four Weeks from the Day of the said Certificate of the said Justices having been lodged with the Clerk of the Peace as aforesaid,) be read by the said Clerk of the Peace in open Court; and the said Certificate, together with the Proof and Plan as aforesaid, as well as the Consent in Writing of the Owner of the Land through which the new Highway is proposed to be made, shall be enrolled by the Clerk of the Peace amongst the Records of the

Proceedings for diverting, &c. certain Highways, and stopping up unnecessary Highways.

the said Court of Quarter Sessions: Provided always, that any Person whatever shall be at liberty, at any Time previous to the said Quarter Sessions, to inspect the said Certificate and Plan so as aforesaid lodged with the said Clerk of the Peace, and to have a Copy thereof, on Payment to the Clerk of the Peace at the Rate of Sixpence per Folio, and a reasonable Compensation for the Copy of the Plan.

As to stopping up more than One Highway connected together.

LXXXVI. Provided always, and be it further enacted, That in any Case where it is proposed to stop up or divert more than One Highway, which Highways shall be deemed to be so connected together as that they cannot be separately stopped or diverted without interfering one with the other, it shall be lawful to include such different Highways in One Order or Certificate.

Court may confirm Order for so doing wholly or in part.

LXXXVII. Provided also, and be it further enacted, That in the Event of any Appeal being brought against the Whole or any Part or Parts of any Order or Certificate for diverting more Highways than One, it shall be lawful for the Court to decide upon the Propriety of confirming the Whole or any Part or Parts of such Order or Certificate without Prejudice to the remaining Part or Parts thereof.

Persons who may think themselves aggrieved if such Highway should be ordered to be stopped up, &c. may appeal.

LXXXVIII. Provided always, and be it further enacted, That when any such Certificate shall have been so given as aforesaid it shall and may be lawful for any Person who may think that he would be injured or aggrieved if any such Highway should be ordered to be diverted and turned or stopped up, either entirely or subject as aforesaid, and such new Highway set out and appropriated in lieu thereof as aforesaid, or if any unnecessary Highway should be ordered to be stopped up as aforesaid, to make his Complaint thereof by Appeal to the Justices of the Peace at the said Quarter Sessions, upon giving to the Surveyor Ten Days Notice in Writing of such Appeal together with a Statement in Writing of the Grounds of such Appeal, who is hereby required, within Forty-eight Hours after the Receipt of such Notice, to deliver a Copy of the same to the Party by whom he was required to apply to the Justices to view the said Highway; provided that in all Cases where the said Surveyor shall have been directed by the Inhabitants in Vestry assembled to apply to such Justices as aforesaid, then the said Surveyor shall not be required to deliver a Copy of such Notice to any Party: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on the Hearing of such Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Sessions to determine whether new Highway is nearer, &c.

LXXXIX. And be it further enacted, That in case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining whether the proposed new Highway is nearer or more commodious to the Public, or whether the public Highway so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or whether the said Party appealing would be injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if, after hearing the Evidence produced before them, the said Jury shall return a Verdict that the proposed new Highway is nearer or more commodious to the Public, or that the Public Highway

way so intended to be stopped up, either entirely or subject as aforesaid, is unnecessary, or that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal, and make the Order herein mentioned for diverting and turning and stopping up such Highway, either entirely or subject as aforesaid, or for diverting, turning, and stopping up of such old Highway, and purchasing the Ground and Soil for such new Highway, or for stopping up such unnecessary Highway either entirely or subject as aforesaid; but if the said Jury shall return a Verdict that the proposed new Highway is not nearer or not more commodious to the Public, or that the Highway so intended to be stopped up, either entirely or subject as aforesaid, is not unnecessary, or that the Party appealing would be injured or aggrieved, then the said Court of Quarter Sessions shall allow such Appeal, and shall not make such Order as aforesaid.

XC. And be it further enacted, That the Court of Quarter Sessions is hereby authorized and required to award to the Party giving or receiving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting or resisting such Appeal, whether the same shall be tried or not, and such Costs and Expences shall be paid by the Surveyor or other Party as aforesaid at whose Instance the Notice for diverting and turning or stopping up the Highway, either entirely or subject as aforesaid, shall have been given; and in case the said Surveyor or other Party as aforesaid shall not appear in support thereof, the said Court of Quarter Sessions shall award the Costs of the Appellant to be paid by such Surveyor or other Party as aforesaid, and such Costs shall be recoverable in the same Manner as any Penalties or Forfeitures are recoverable under this Act.

XCI. Provided always, and be it further enacted, That if no such Appeal be made, or being made shall be dismissed as aforesaid, then the Justices at the said Quarter Sessions shall make an Order to divert and turn and to stop up such Highway, either entirely or subject as aforesaid, or to divert, turn, and stop up such old Highway, and to purchase the Ground and Soil for such new Highway, or to stop up such unnecessary Highway, either entirely or subject as aforesaid, by such Ways and Means, and subject to such Exceptions and Conditions in all respects as in this Act is mentioned in regard to Highways to be widened; and the Proceedings thereupon shall be binding and conclusive on all Persons whomsoever; and the new Highways so to be appropriated and set out shall be and for ever after continue a public Highway to all Intents and Purposes whatsoever; but no old Highway (except in the Case of stopping up of such useless Highway as herein is mentioned) shall be stopped until such new Highway shall be completed and put into good Condition and Repair, and so certified by Two Justices of the Peace upon View thereof, which Certificate shall be returned to the Clerk of the Peace, and by him enrolled amongst the Records of the Court of Quarter Sessions next after such Order as aforesaid shall have been made pursuant to the Directions herein-before contained.

XCII. Provided always, and be it further enacted, That in every Case in which a Highway shall have been turned or diverted under the Provisions of this Act, the Parish or other Party which was liable to the Repair of the old Highway shall be liable to the Repair of the

Costs to be awarded in Appeal against stopping up, &c. Highway.

If no Appeal be made, or if dismissed, Sessions to make Order for diverting, &c. and the old Ways may be stopped.

New Highway shall afterwards continue a public Highway, &c.

Party liable to Repair of old Highways to repair new Highways.

the new Highway, without any Reference whatever to its parochial Locality.

Provisions as to widening of a Highway to extend to all Highways which Persons are bound to repair *ratione tenure*, &c.

Justices to fix annual or other Amount payable by Party previously bound to repair.

Mode of proceeding before Justices if Highway is out of repair.

**XCIII.** And be it further enacted, That the Powers and Provisions in this Act contained with respect to the widening and enlarging, diverting, turning, or stopping up any Highway shall be applicable to all Highways which any Person, Bodies Politic or Corporate, is or are bound to repair by reason of any Grant, Tenure, Limitation, or Appointment of any charitable Gift or otherwise howsoever; and that when such last-mentioned Highways are so widened or enlarged, turned or diverted, the same shall and may, by an Order of the Justices at a Special Sessions for the Highways, be placed under the Control and Care of the Surveyor of the Parish in which such Highways may be situate, and shall be from Time to Time thereafter repaired and kept in repair by the said Parish: Provided also, that the said Highways so widened, enlarged, diverted, or turned shall be viewed by Two Justices of the Peace, who shall make a Report thereof to the Justices at a Special Sessions for the Highways; and such last-mentioned Justices shall, by an Order under their Hands, fix the proportionate Sum which shall be annually paid, or shall fix a certain Sum to be paid, by such Person, Bodies Politic or Corporate, his or their Heirs, Successors, or Assigns, to the said Surveyors of the Parish, in lieu of thereafter repairing the said Part of the said old Highway; and the Order of the said last-mentioned Justices shall be and continue binding on all such Person, Bodies Politic or Corporate, their Heirs, Successors, or Assigns; and in default of Payment thereof the said Surveyor shall proceed for the Recovery of the same in the Manner as any Penalties and Forfeitures are recoverable under this Act.

**XCIV.** And be it further enacted, That from and after the Commencement of this Act, if any Highway is out of repair or is not well and sufficiently repaired and amended, and Information thereof, on the Oath of One credible Witness, is given to any Justice of the Peace, it shall and may be lawful for such Justice and he is hereby authorized and required to issue a Summons requiring the Surveyor of the Parish, or other Person or Body Politic or Corporate chargeable with such Repairs, to appear before the Justices at some Special Sessions for the Highways in the said Summons mentioned, to be held within the Division in which the said Highway may be situate; and the said Justices shall either appoint some competent Person to view the same, and report thereon to the Justices in Special Sessions assembled, on a certain Day and Place to be then and there fixed, at which the said Surveyor of the Highways or other Party as aforesaid shall be directed to attend, or the said Justices shall fix a Day whereon they or any Two of them shall attend to view the said Highway; and if to the Justices at such Special Sessions on the Day and at the Place so fixed as aforesaid, it shall appear, either on the Report of the said Person so appointed by them to view, or on the View of such Justices, that the said Highway is not in a State of thorough and effectual Repair, they the said Justices at such last-mentioned Special Sessions shall convict the said Surveyor or other Party liable to the Repair of the said Highway in any Penalty not exceeding Five Pounds, and shall make an Order on the said Surveyor, or other Person or Bodies Politic or Corporate liable to repair such Highway, by which Order they shall limit

and appoint a Time for the repairing of the same ; and in default of such Repairs being effectually made within the Time so limited, the said Surveyor, or such other Person or Body Politic or Corporate as aforesaid, shall forfeit and pay to some Person to be named and appointed in a Second Order a Sum of Money to be therein stated, and which shall be equal in Amount to the Sum which the said Justices shall, on the Evidence produced before them, judge requisite for repairing such Highway, which Money shall be recoverable in the same Manner as any Forfeiture is recoverable under this Act, and such Money when recovered shall be applied to the Repair of such Highway ; and in case more Parties than One are bound to repair any such Highway, the said Justices shall direct in their said Order what Proportion shall be paid by each of the said Parties: Provided, that if the said Highway so out of repair is a Part of the Turnpike Road, the said Justices shall summon the Treasurer or Surveyor or other Officer of such Turnpike Road, and the Order herein directed to be made shall be made on such Treasurer or Surveyor or other Officer as aforesaid, and the Money therein stated shall be recoverable as aforesaid: Provided nevertheless, that the said Justices shall not have Power to make such Order as aforesaid in any Case where the Duty or Obligation of repairing the said Highway comes in question.

In what Cases Justices cannot interfere.

XCV. And be it enacted, That if on the Hearing of any such Summons respecting the Repair of any Highway the Duty or Obligation of such Repairs is denied by the Surveyor on behalf of the Inhabitants of the Parish, or by any other Party charged therewith, it shall then be lawful for such Justices and they are hereby required to direct a Bill of Indictment to be preferred, and the necessary Witnesses in support thereof to be subpoenaed, at the next Assizes to be holden in and for the said County, or at the next General Quarter Sessions of the Peace for the County, Riding, Division, or Place wherein such Highway shall be, against the Inhabitants of the Parish or the Party to be named in such Order for suffering and permitting the said Highway to be out of repair ; and the Costs of such Prosecution shall be directed by the Judge of Assize before whom the said Indictment is tried, or by the Justices at such Quarter Sessions, to be paid out of the Rate made and levied in pursuance of this Act in the Parish in which such Highway shall be situate: Provided nevertheless, that it shall be lawful for the Party against whom such Indictment shall be so preferred at the Quarter Sessions as aforesaid to remove such Indictment by Certiorari or otherwise into His Majesty's Court of King's Bench.

Mode of proceeding if Obligation to repair is disputed.

XCVI. And be it further enacted, That no Fine, Issue, Penalty, or Forfeiture for not repairing the Highway, or not appearing to any Indictment for not repairing the same, shall hereafter be returned into the Court of Exchequer or other Court, but shall be levied by and paid into the Hands of such Person residing in or near the Parish where the Road shall lie, as the Justices or Court imposing such Fines, Issues, Penalties, or Forfeitures shall order and direct, to be applied towards the Repair and Amendment of such Highway ; and the Person so ordered to receive such Fine shall and is hereby required to receive, apply, and account for the same according to the Direction of such Justices or Court, or in default thereof shall forfeit Double the Sum received; and if

Fines, Penalties, and Forfeitures how to be levied and applied.

any Fine, Issue, Penalty, or Forfeiture to be imposed for not repairing the Highway, or not appearing as aforesaid, shall hereafter be levied on any Inhabitant of such Parish, Township, or Place, then such Inhabitant shall and may make his Complaint to the Justices at a Special Sessions for the Highways; and the said Justices are hereby empowered and authorized, by Warrant under their Hands, to make an Order on the Surveyor of the Parish for Payment of the same out of the Money receivable by him for the Highway Rate, and shall within Two Months next after Service of the said Order on him pay unto such Inhabitant the Money therein mentioned.

Justices empowered to award Costs to Defendant where Information, &c. is withdrawn or dismissed.

XCVII. And be it further enacted, That if any Surveyor or other Person shall be summoned before any Justice to answer any Information or Complaint exhibited or made against him touching or concerning any Offence committed or alleged to have been committed by such Surveyor or other Person against the Provisions of this Act, or for any supposed Neglect of Duty, in case such Surveyor or other Person be convicted thereof, such Justice shall be authorized and empowered to order the Payment by such Surveyor or other Person of all Costs or Proceedings against him; but in case such Information or Complaint shall afterwards be withdrawn or quashed or dismissed, or if the Defendant shall be acquitted of the Offence or Neglect of Duty charged against him, it shall be lawful for such Justices to order and award that the Person exhibiting or making such Information or Complaint shall pay to the Defendant all such Costs as to such Justice shall seem reasonable; and in default of immediate Payment of the Sum so awarded, it shall be lawful for such Justices to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person ordered to pay the same, together with the Costs of such Distress and Sale; and if Goods and Chattels of such Person sufficient to answer the Sum so awarded, with such Costs as aforesaid, cannot be found, it shall be lawful for such Justices to commit such Person to the Common Gaol or House of Correction, there to be kept to hard Labour, for any Time not exceeding One Calendar Month, unless the Sum so awarded, together with all Costs and Expences, shall be sooner paid and satisfied.

Court may award Costs to the Prosecutor.

XCVIII. And be it further enacted, That it shall and may be lawful for the Court before whom any Indictment shall be preferred for not repairing Highways to award Costs to the Prosecutor, to be paid by the Person so indicted, if it shall appear to the said Court that the Defence made to such Indictment was frivolous or vexatious.

No Presentment against Inhabitants for Highway being out of repair.

XCIX. And be it further enacted, That from and after the Commencement of this Act it shall not be lawful to take or commence any legal Proceeding, by Presentment, against the Inhabitants of any Parish, or other Person, on account of any Highway or Turnpike Road being out of repair.

Inhabitants and Officers in Parishes may give Evidence.

C. And be it further enacted, That no Person shall be deemed incompetent to give Evidence or be disqualified from giving Testimony or Evidence, in any Action, Suit, Prosecution, or other legal Proceedings to be brought or had in any Court of Law or Equity, or before any Justice or Justices of the Peace, under or

by

by virtue of this Act, by reason of being an Inhabitant of the Parish in which any Offence shall be committed, or of being a Treasurer, Clerk, Surveyor, District Surveyor, Assistant Surveyor, Collector, or other Officer appointed by virtue of this Act, nor shall such Testimony or Evidence for any of the Reasons aforesaid be rejected or liable to be questioned or set aside.

CI. And be it further enacted, That in ~~all~~ Cases in which any Penalty or Forfeiture is recoverable before Justices of the Peace under this Act, it shall and may be lawful for any Justice to whom Complaint shall be made of any such Offence to summon the Party complained against before any Two Justices, and on such Summons the said Two Justices may hear and determine the Matter of such Complaint, and on Proof of the Offence convict the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing was exhibited.

Justices may proceed by Summons in the Recovery of Penalties.

CII. And be it further enacted, That if any Person, after having been paid or tendered a reasonable Sum of Money for his Costs, Charges, and Expences, shall be summoned as a Witness to give Evidence before any Justices of the Peace touching any Matter or Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person accused, and shall refuse or neglect to appear at the Time and Place for that Purpose appointed, without a reasonable Excuse for his Refusal or Neglect, or appearing shall (after having been paid or tendered a reasonable Sum for his Costs, Charges, and Expences,) refuse to be examined upon Oath and give Evidence before such Justice of the Peace, then and in either of such Cases such Person shall forfeit for every such Offence any Sum not exceeding Five Pounds.

Compelling Witnesses to attend and give Evidence.

CIII. And be it further enacted, That all Penalties and Forfeitures by this Act inflicted or authorized to be imposed for any Offence against the same, and all Balances due from a Surveyor, and all Costs and Charges to be allowed and ordered by the Authority of this Act, (the Manner of levying, recovering, and applying of which is not hereby otherwise particularly directed,) shall, upon Proof and Conviction of the Offences respectively before any Two or more Justices, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses (which Oath such Justices are in every Case hereby fully authorized to administer), or upon Order made as aforesaid, be levied, together with the Costs attending the Information, Summons, and Conviction, by Distress and Sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the Hands of Two or more Justices before whom the Party may have been convicted (which Warrant such Justices are hereby empowered and required to grant); and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels; and in case such Fines, Penalties, and Forfeitures shall not be

Forfeitures, Costs, and Charges may be levied by Distress and Sale.



forthwith paid upon Conviction, then it shall be lawful for such Justices as aforesaid to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices as aforesaid, for his or their Appearance before such Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day not being later than Seven Days from the Time of taking any such Security, and which Security the said Justices as aforesaid are hereby empowered to take by way of Recognizance or otherwise; or in case it shall appear to the Satisfaction of such Justices, either by the Confession of the Offender or otherwise, that he hath not Goods or Chattels within the Jurisdiction of such Justices sufficient whereon to levy all such Penalties and Forfeitures, Costs and Charges, such Justices may, at their Discretion, without issuing any Warrant of Distress, commit the Offender for such Period of Time, and in such and like Manner, as if a Warrant of Distress had been issued, and Nulla bona returned thereon; but if a Warrant of Distress shall be issued, and upon the Return thereof it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty, Forfeiture, or Fine, and Costs and Expences aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender, or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalty, Forfeiture, or Fine, Costs and Expences, could be levied if a Warrant of Distress were issued, such Justices shall not be required to issue such Warrant, but in such Case such Justices are hereby required, by Warrant under their Hands, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Riding, or Place where the Offender shall be or reside, there to be kept to hard Labour for any Term not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Penalties and Forfeitures, when so levied, shall be paid, the one Half to the Informer, and the other Half to the Surveyor of the Parish where such Offence, Neglect, or Default shall happen, to be applied towards the Repair of the Highways thereof, unless otherwise directed by this Act; but in case the Surveyor shall be the Informer, then the whole shall be applied towards the Repair of such Highway.

Application of Penalties.

Satisfaction recoverable for special Damage; but Distress not to be deemed unlawful for Want of Form in the Proceedings.

Plaintiff not to recover for Irregularity if Tender of Amends be made.

CIV. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards done in making the Distress, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in an Action on the Case: Provided always, that no Plaintiff shall recover in any Action for any Irregularity, Trespass, or wrongful Proceedings, if Tender of sufficient Amends shall be made by or on behalf of the Party who shall have committed or caused to be committed any such Irregularity

regularity, Trespass, or wrongful Proceedings, before such Action brought; and in case no such Tender shall have been made it shall and may be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall see fit, whereupon such Proceedings or Orders and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

CV. Provided also, and be it further enacted, That if any Person shall think himself aggrieved by any Rate made under or in pursuance of this Act, or by any Order, Conviction, Judgment, or Determination made, or by any Matter or Thing done, by any Justice or other Person in pursuance of this Act, and for which no particular Method of Relief hath been already appointed, such Person may appeal to the Justices at the next General or Quarter Sessions of the Peace to be held for the County, Division, Riding, or Place wherein the Cause of such Complaint shall arise, such Appellant first giving or causing to be given to the Surveyor or Surveyors, or to such Justice or other Person by whose Act such Person shall think himself aggrieved, Notice in Writing of his Intention to bring such Appeal, together with a Statement in Writing of the Grounds of such Appeal, within Fourteen Days after such Rate shall have been made, or Cause of Complaint shall have arisen, and within Four Days after such Notice entering into a Recognizance before some Justice, with Two sufficient Sureties, conditioned to try such Appeal at, and abide the Order of, and pay such Costs as shall be awarded by the Justices at such General or Quarter Sessions; and such Justices, upon hearing and finally determining the Matter of such Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever: Provided nevertheless, that in case there shall not be Time to give such Notice and enter into such Recognizance as aforesaid before the next Sessions to be holden after the making of any Rate or the Cause of Complaint shall have arisen, then and in every such Case such Appeal may be made to the next following Sessions, and shall be then heard and determined: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal, unless such Notice and Statement shall have been so given as aforesaid, nor on the Hearing of such Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Appeal may be made to Quarter Sessions against Rate, &c.

CVI. And be it further enacted, That in all Cases of Appeal against the Rate or Assessment made in pursuance of this Act the several Provisions and Enactments contained in a certain Act made and passed in the Forty-first Year of the Reign of His late Majesty King George the Third, intituled *An Act for the better Collection of the Rates made for the Relief of the Poor*, shall be applicable thereto, as if the same had been repeated and re-enacted in this Act with respect to such Appeals.

Provisions of 41 G. 3. c. 23. applicable to this Act.

CVII. Provided always, and be it further enacted, That no Rate,

Rates and Proceedings not

to be quashed  
for Want of  
Form.

nor any Proceeding to be had touching the Conviction of any Offender against this Act, or any Order made, or any other Matter or Thing done or transacted in or relative to the Execution of this Act, shall be vacated or quashed for Want of Form, or be removed or removable (except as herein mentioned) by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*.

In case of Ap-  
peal, Sessions  
may grant a  
special Case.

CVIII. And be it further enacted, That in any Case of Appeal the Court of Quarter Sessions before whom the same is heard and determined may, if they think fit, state the Facts specially for the Determination of His Majesty's Court of King's Bench thereon, in which Case it shall be lawful to remove the Proceedings, by Writ of Certiorari or otherwise, into the said Court of King's Bench.

Limitation of  
Actions.

CIX. And be it further enacted, That no Action or Suit shall be commenced against any Person for any thing done in pursuance of or under the Authority of this Act until Twenty-one Days Notice has been given thereof in Writing to the Justice, Surveyor, or Person against whom such Action is intended to be brought, nor after sufficient Satisfaction or Tender of Satisfaction has been made to the Party aggrieved, nor after Three Calendar Months next after the Fact committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other County or Place; and the Defendant in such Action or Suit may plead the General Issue, and give this Act and every special Matter in Evidence at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found for such Defendant, or if the Plaintiff in such Action or Suit shall become Nonsuit, or suffer a Discontinuance of such Action, or if, upon any Demurrer in such Action, Judgment shall be given for the Defendant therein, then and in any of the Cases aforesaid such Defendant shall have Costs as between Attorney and Client, and shall have such Remedy for recovering the same as any Defendant may have for his or her Costs in any other Case by Law.

Defendant may  
plead the Ge-  
neral Issue.

Costs.

Amount of  
Fees.

CX. And be it further enacted, That the several Fees hereafter limited and expressed, and no others, shall be taken by the Clerk of the Peace, Clerk to the Justices, or others, for their several respective Services in the Execution of this Act; (that is to say,) the Sum of Sixpence for every Information; the Sum of One Shilling for every Summons or Warrant, and Sixpence for the Service thereof; the Sum of Sixpence for every Notice, and Sixpence for the Service thereof; the Sum of One Shilling for every Order, and Sixpence for the Service thereof; the Sum of Two Shillings for every Warrant of Distress; the Sum of One Shilling for every Appointment; and the Sum of Two Shillings for every Conviction: Provided always, that in no Place regulated by a Local Act of Parliament,

Parliament, when the Amount of the Fees to be taken by the Clerk to the Justices, or others, in any Proceeding for the Recovery of any Rate, shall be less than the Fees herein-before mentioned, shall it be lawful for such Clerk to the Justices or others to demand or take a greater Fee for any similar Proceeding under this Act than the Fee which may be mentioned or directed to be taken by such Local Act.

CXI. And be it further enacted, That if the Inhabitants of any Parish shall agree at a Vestry to defend any Indictment found against any such Parish, or to appeal against any Order made by or Proceeding of any Justice of the Peace in the Execution of any Powers given by this Act, or to defend any Appeal, it shall and may be lawful for the Surveyor of such Parish to charge in his Account the reasonable Expences incurred in defending such Prosecution, or prosecuting or defending such Appeal, after the same shall have been agreed to by such Inhabitants at a Vestry or public Meeting as aforesaid, and allowed by Two Justices of the Peace within the Division where such Highway shall be; which Expences, when so agreed to or allowed, shall be paid by such Parish out of the Fines, Forfeitures, Payments, and Rates authorized to be collected and raised by virtue of this Act: Provided nevertheless, that if the Money so collected and raised is not sufficient to defray the Expences of repairing the Highways in the said Parish, as well as of defending such Prosecution, or prosecuting or defending such Appeal as aforesaid, the said Surveyor is hereby authorized to make, collect, and levy an additional Rate in the same Manner as the Rate by this Act is authorized to be made for the Repair of the Highway.

Expences for defending Prosecutions agreed upon at a Vestry Meeting, how to be paid.

CXII. And be it further enacted, That nothing in this Act contained shall be construed to abridge, repeal, alter, amend, or interfere with the Powers and Provisions contained in an Act passed in the Fifty-seventh Year of the Reign of King George the Third, intituled *An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Obstructions therein*, or the Powers and Provisions contained in any Act relating to any particular Parish or Place for any of the Purposes in this Act mentioned.

Limiting Powers of 57 G. 3. c. 29.

CXIII. Provided always, and be it further enacted, That nothing in this Act contained shall apply to any Turnpike Roads, except where expressly mentioned, or to any Roads, Bridges, Carriage-ways, Cartways, Horseways, Bridleways, Footways, Causeways, Churchways, or Pavements, which now are or may hereafter be paved, repaired, or cleansed, broken up or diverted, under or by virtue of the Provisions of any Local or Personal Act or Acts of Parliament.

Not to extend to Turnpike Roads, or to Roads under Local Acts.

CXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any Manner to affect any of the Rights or Privileges of the Universities of *Oxford* or *Cambridge*, or any of the Powers vested by Charter or otherwise in the Chancellors, Masters, and Scholars, and their Successors, of the said Universities.

Not to affect the Universities;

CXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any Manner affect the City of *London* and the Liberties thereof, or the Rights, Interests, Privileges, Franchises, or Authorities of the Mayor and Com-

nor the Rights and Liberties of the City of London;

monalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor and Aldermen of the said City, or the Lord Mayor of the said City for the Time being as Conservator of the River *Thames* or otherwise, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of making this Act the said Mayor and Commonalty and Citizens, the said Lord Mayor and Aldermen of the said City, or the said Lord Mayor for the Time being as Conservator of the River *Thames* or otherwise, did or might lawfully claim, use, or exercise by any Act of Parliament or otherwise, or to vary or alter any of the Provisions or Regulations thereby made, directed, or provided, within the said City of *London* and the Liberties thereof, any thing herein contained to the contrary thereof in anywise notwithstanding.

nor the Act  
1 G. 4. c. vii.

CXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to alter or in any Manner affect the Provisions of an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for regulating the Repairs of Bridges in the County of Montgomery*, so far as the same relates to the Repairs of so much of the Highways as lie next adjoining to any Ends of any Bridges within the said County of *Montgomery*, the Repairs of which have already been made chargeable upon the Rates of the said County under the Provisions of the said recited Act.

Powers of  
Commissioners  
of Sewers not  
abridged.

CXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to or be deemed or construed to extend to alter, affect, restrain, or abridge the Powers or Authorities given to the Commissioners of Sewers by any Act of Parliament whatsoever, or to vary or alter any of the Provisions or Regulations thereby made, directed, or provided, any thing herein contained to the contrary thereof in anywise notwithstanding.

Concerning the  
Forms of Pro-  
ceedings.

CXVIII. And be it further enacted, That the Forms of Proceedings relative to the several Matters contained in this Act, which are set forth and expressed in the Schedule hereto annexed, shall be used upon all Occasions, with such Additions or Variations only as may be necessary to adapt them to the particular Exigencies of the Case; and that no Objection shall be made or Advantage taken for Want of Form in any such Proceedings by any Person whomsoever.

Commencement  
of Act.

CXIX. And be it further enacted, That this Act shall commence and take effect from and after the Twentieth Day of *March* One thousand eight hundred and thirty-six.

Act may be  
altered this  
Session.

CXX. And be it further enacted, That this Act may be altered, amended, or repealed in this present Session of Parliament.

The SCHEDULE (stating the Forms) to which this Act refers.

No. 1.

*Notice to Person of his having been elected Surveyor.*

A. B. Take notice, that you were, at a Meeting held at [*insert the Name of the Parish, &c.*] on the \_\_\_\_\_ Day of \_\_\_\_\_ elected and chosen Surveyor [*or One of the Surveyors*] of the Highways for the said [*Parish, &c.*] for the Year ensuing.

Dated the \_\_\_\_\_

Day of \_\_\_\_\_

To A. B. of \_\_\_\_\_

C. D. Chairman.

No. 2.

*Appointment of Surveyor with Salary.*

At a Meeting of the Inhabitants of \_\_\_\_\_ in Vestry assembled at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ *A.B.* was nominated, elected, and appointed as Surveyor of such Parish, for the Purpose of carrying into execution the Provisions of an Act passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c. [*here set out Title of Act,*] for the Year ensuing; and the Salary to be allowed to the said *A.B.* was fixed at the Sum of \_\_\_\_\_ payable on \_\_\_\_\_ Dated the \_\_\_\_\_ Day of \_\_\_\_\_

*C. D.* Chairman.

No. 3.

*Appointment of Surveyor by Justices.*

(to wit.) } At a Special Sessions for the Highways held at \_\_\_\_\_ in the Division, &c. of \_\_\_\_\_ by Justices of the Peace for the said County acting within the said Division, &c. on the \_\_\_\_\_ Day of \_\_\_\_\_

WHEREAS it hath appeared to us the said Justices, on the Oath of *A.B.* an Inhabitant of the Parish of \_\_\_\_\_ that the Inhabitants of the said Parish in Vestry assembled have neglected [*or refused*] to nominate and elect a Surveyor in manner and for the Purposes mentioned in a certain Act made and passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c. [*here set out Title of Act,*] [*or that the Surveyor appointed by the Inhabitants of the said Parish is dead, or has ceased to possess the Qualification required by the said Act, or has become disqualified, or has neglected to act, or has refused to carry into operation the Duties imposed upon him by the said Act,*] we do therefore hereby appoint you *C.D.* of \_\_\_\_\_ Surveyor for such Parish for the Year ensuing [*or for the Space of \_\_\_\_\_*], with the Salary of \_\_\_\_\_ for your Trouble; and you the said *C.D.* are faithfully and truly to execute the Office of Surveyor according to the Directions of the said Statute.

Given under our Hands the Day and Year first above mentioned.

*E. F.*  
*G. H.*

To *C. D.*

No. 4.

*Form of Highway Rate.*

Names of Occupiers or Persons rated.	Description of the Premises and Property rated.	Annual Value.			Sums assessed at 10d. in the Pound.		
		£	s.	d.	£	s.	d.
A. B. - -	House and Garden -	5	0	0	0	4	2
C. D. - -	A Farmhouse, Lands, and Buildings.	100	0	0	4	3	4
E. F. - -	A Warehouse - -	20	0	0	0	16	8
<i>and so forth.</i>							

*A.B.* } Surveyor [*or Surveyors*] of the Parish  
*C.D.* } of \_\_\_\_\_

No. 5.

Weekly Account of Money expended on the Highways of the Parish  
of from the to the  
Day of One thousand eight hundred and .

Day Labour, and when performed.	Labourers Names.	No. of Days.	Rate per Day.	Team Work, and where done.			Rate.	Total Weekly Expenditure.	
				£	s.	d.		£	s.
								Day Labour	
								Contract Work - }	
								Materials -	
								Team Work	
Work executed by Contract.	Persons Names.	No. of Days.	Rate per Day.	Tradesmen's Bills.			No.	Tradesmen's Bills - }	
				£	s.	d.		£	s.
								Rent of Pits and Quarries }	
Materials got and prepared, and from whence.	Parties Names.	Quan- tity.	Rate per	Incidental Expences.				Incidental Expences }	
				£	s.	d.		£	s.

£

No. 6.

*Notice of Intention to make Highway.*

I do hereby give you Notice, That after the Expiration of Three Calendar Months from the Date hereof I [*or if given by the Clerk, &c. of a Body Politic or Corporate describe them,*] do intend to make a certain Highway in the Parish of [*describing its Situation and Extent,*] and to dedicate such Highway to the Use of the Public.

Dated this                      Day of

To *E. F., &c.*  
Surveyor of the Parish }  
of

*A. B.*  
*or*  
*C. D.* [*Clerk, &c.*]

No. 7.

*Certificate of Justices, of Highway having been made in a substantial Manner, &c.*

WE, Two of the Justices of the Peace in and for the County of having viewed a certain Highway lately made by *A. B.* in the Parish of                      in the said County, situate, &c. [*describing its Situation and Extent,*] do hereby certify, That the same has been made in a substantial Manner, and of the Width required by a certain Act made and passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c. [*here set out Title of Act.*]

Dated this                      Day of

*C. D.*  
*E. F.*

No. 8.

*Notice to remove Snow, &c.*

I *A. B.*, Justice of the Peace in and for the County of do hereby give you, the Surveyor [*or Surveyors*] of the Parish of Notice, that the Highway leading from                      to [*describing its Situation*] is obstructed or impeded from the Accumulation of Snow [*or from the falling down of the Banks on the Side of the said Highway, &c., as the Case may be,*] and require you to cause the same to be removed.

Dated this                      Day of

To *C. D. and E. F. &c.*  
Surveyors of the Parish }  
of

*A. B. of, &c.*



No. 9.

Schedule to be filled up by the Surveyors of Highways of all Parishes, and presented by them, with their Accounts, to the Magistrates, at the End of every Year.

State of the Roads and Highways	-	{	_____
			_____
— Bridges	- -	-	{
			_____
— Causeways	-	-	{
			_____
— Hedges and Ditches	-	-	{
			_____
— Watercourses	-	-	{
			_____
State all Nuisances	- -	-	{
			_____
— all Encroachments	-	-	{
			_____
— the Extent of Roads and Highways the Parish is liable to repair			{
			_____
— what Portion thereof has been repaired, and where	- -	-	{
			_____
— what Materials were used for such Repairs	-	-	{
			_____
— the Expence of such Repairs			{
			_____
— the Amount levied during the Year	- -	-	{
			_____

No. 10.

Licence from Justices at Special Sessions for the Highways for a Surveyor to dig, &c. Materials upon inclosed Lands, for the Repair of Highways.

(to wit.) } To the Surveyor of the Parish of \_\_\_\_\_ in the \_\_\_\_\_ Hundred of \_\_\_\_\_ in the said County.

WHEREAS by an Act passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c. [here set out Title of Act], the Surveyor is authorized to dig, get, take, and carry away Materials lying upon any Lands or Grounds within the Parish for which he is appointed, for the Use and Benefit of the Highways, but not without the Consent of the Occupier or Owner of such Lands or Grounds, or his Agent, or a Licence from the Justices at a Special Sessions for the Highways: And whereas it appears to us

His Majesty's Justices of the Peace for the said County, and acting within the said [Hundred, &c.] at a Special Sessions

Sessions for the Highways assembled, upon the Oath of *C. D.* the said Surveyor [*or* One of the Surveyors,] that he hath applied to *A. B.* of \_\_\_\_\_ for his Consent to dig, get, take, and carry away Materials from the Lands called or known by the Names of \_\_\_\_\_ and \_\_\_\_\_ in his Occupation [*or* of which he is the Owner, *or* in the Occupation of *J. K.*, *or* of which *J. K.* is the Owner, and the said *A. B.* his Agent], within the said [Parish, &c.], for the Purposes aforesaid, and that the said Materials are necessary for the Repairs of the Highways, and that the said *A. B.* hath refused to permit the same to be dug, got, taken, and carried away; and the said *A. B.* having been duly summoned to appear before us, to show Cause why such Permission should not be granted, and having appeared before us accordingly, [*or* having sent his Steward or Agent, *or C. D.*, on his Behalf, to attend us on that Occasion, *or* but not having appeared,] we have heard what has been alleged, and taken the said Matter into consideration, and are of opinion that the said Materials are necessary, and ought to be dug, got, taken, and carried away for the Purposes aforesaid: Therefore we do hereby give our Licence to the said Surveyor [*or* Surveyors] to dig, get, take, and carry away the same accordingly, the said Surveyor making Satisfaction for the same, and also for the Damage done to such Lands, in the Manner directed by the said Act. Given under our Hands the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_

J. P.

K. P.

No. 11.

*Licence from Justices at a Special Sessions for the Highways to get Materials for the Repair of the Highways in another Parish besides that wherein such Materials are to be employed.*

} At a Special Session for the Highways held at  
(to wit.) } in the Hundred, &c. of \_\_\_\_\_ in the said County,  
by Justices of the Peace for the said County acting within the  
said Hundred, on the \_\_\_\_\_ Day of \_\_\_\_\_

It appearing to us, upon Evidence this Day received, that sufficient Materials cannot conveniently be had within the Waste Land, Common Grounds, Rivers, or Brooks, nor in the inclosed Lands or Grounds, lying within the [Parish, &c.] of \_\_\_\_\_ in the said Hundred, for the Repairs of the Highways within the said [Parish], nor in the Waste Lands, Common Grounds, Rivers, or Brooks within the [Parish] of \_\_\_\_\_ adjoining to the said [Parish] of \_\_\_\_\_ we do hereby give our Licence to the Surveyor [*or* Surveyors] of the said [Parish] of \_\_\_\_\_ to search for, dig, get, and carry Materials within the inclosed Lands or Grounds of *C. D.* within the said [Parish] of \_\_\_\_\_ to be employed in the Repair of the Highways within the said [Parish] of \_\_\_\_\_ it appearing from Evidence before us that there are proper Materials within the said Lands for the Purposes aforesaid lying convenient to the said Highways, and that after such Materials shall be so taken there will be sufficient left for the Use of the Highways within the said Parish of \_\_\_\_\_ upon the said Surveyor [*or* Surveyors] making Satisfaction for the same, and also for the Damage done to such Lands, in the Manner directed by the Act made and passed in the Fifth and Sixth Year of the Reign of \_\_\_\_\_ of \_\_\_\_\_

of King William the Fourth, intituled "An Act," &c. [*here set out Title of Act,*] subject to such Restrictions as are therein contained. Given under our Hands the Day and Year above written.

J. P.

K. P.

## No. 12.

*Information to enable Justices to fix Boundaries of Highway lying in Two Parishes.*

County of } At a Special Sessions for the Highways, holden, &c.

*I. S.*, the Surveyor [*or One of the Surveyors*] of the Parish of *A.*, came before the Justices aforesaid, and informed them, that there is in the said County a certain common Highway leading from *M.* to *N.*, and that there is a certain Part of the said Highway, that is to say, so much thereof as lies between a certain Place called *C.* and a certain other Place called *D.*, being in Length [*as the Case may be*], one Side of which last-mentioned Part of the said Highway adjoining to the Parish of *A.* lies within the said Parish of *A.*, and is to be and of right ought to be repaired by the said Parish of *A.* [*or by, &c., describing the Body Politic or Corporate, or Person, liable to the Repair*], and that the other Side of the same Part of the said Highway adjoining to the Parish of *B.* lies within the Parish of *B.*, and is to be and of right ought to be repaired by the said Parish of *B.* [*or by, &c.*], and stating that the Repair of such Part of the said Highway is very inconvenient to the Parishes aforesaid, and the Want thereof detrimental to the Public; and therefore praying, that such Part of the said Highway may be allotted and apportioned for the Repair thereof by the Justices aforesaid to the said several Parishes of *A.* and *B.* [*or to, &c.*] in the Manner directed by an Act passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c. [*set out Title of Act.*]

(Signed) *I. S.* One of the Surveyors of Parish of *A.*

The above Application was made to us  
the Day and Year first above written.

J. P.

K. P.

## No. 13.

*Summons to be subjoined to a Copy of the above Information.*

County of } To the Surveyor [*or Surveyors*] of the Parish of *B.* in the  
} said County, any or either of them.

WHEREAS a certain Information has been given to us, His Majesty's Justices of the Peace for the said County at a Special Sessions for the Highways, by *I. S.*, the Surveyor [*or One of the Surveyors*] of the Parish of *A.* in the said County, a true Copy whereof is above written: These are, in His Majesty's Name, to summon you, any or either of you, to appear before us, at \_\_\_\_\_ in the said County, on the \_\_\_\_\_ Day of \_\_\_\_\_ to show Cause (if any) why an Allotment and Apportionment of the Highways therein mentioned should not be made according to the Provisions of

the Act referred to in the said Information. Hereof fail not. Given  
under our Hands this Day of

J. P.  
K. P.

No. 14.

*Final Order and Adjudication, to be filed with the Clerk of the Peace.*

WHEREAS, &c.

1.—*State the original Application.*

2.—*The Summons.*

3.—*The Appearance, and that the Parties were heard, or their Nonappearance.*

Now we, the Justices aforesaid, having fully heard and understood the Premises, do declare, adjudge, and order, that the said Highway shall be divided in the following Manner; (that is to say,) that at the Distance of measuring from the Place called C., there shall be erected certain Posts or Stones, E. and F., on each Side of the said Highway, and the whole of the said Highway from the Place called C. to such Posts or Stones shall be from Time to Time and at all Times hereafter repaired by the Parish of A. [*or by, &c.*], and the whole of the said Highway from such Posts or Stones to the Place called D. shall from Time to Time and at all Times hereafter be repaired by the Parish of B. [*or by, &c.*]

In witness whereof we have hereunto set our Hands this

Day of

J. P. (L.S.)

K. P. (L.S.)

No. 15.

*Notice from Surveyor to remove Nuisances.*

To C. D. of

IN pursuance of the Directions given by an Act passed in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c., I, A. B. &c., the Surveyor [*or One of the Surveyors*] of the Parish of do hereby give you Notice forthwith to remove the [Filt, Dung, Ashes, Rubbish, &c.] placed by you on a certain Part of the King's Highway, lying between and in the [Parish] of to the Obstruction and Annoyance of the said Highway.

Dated this

Day of

A. B. &c.

No. 16.

*Order of Two Justices for widening a Highway.*

(to wit.) } WE, Two of His Majesty's  
Justices of the Peace for the said County, acting within  
the [Hundred, &c.] of within the said County, having,  
upon View, found that a certain Part of the Highway between  
and in the [Parish, &c.] of  
in the said [Hundred], for the Length of Yards or there-  
abouts, and particularly described in the Plan hereunto annexed, is  
for the greatest Part thereof narrow, but may be conveniently en-  
larged and widened by adding thereto from the Lands and Grounds  
of and of the Length of Yards  
or thereabouts, and of the Breadth of Feet or there-  
abouts,

at in the County aforesaid, *A.B.* came before  
 us of His Majesty's Justices of the Peace for the  
 said County, and informed us, that *E.F.* of on  
 the Day of now last past, at in the  
 said County, did [*set forth the Fact in the Manner described by the  
 Act*], whereupon the said *E.F.*, after being duly summoned to  
 answer the said Charge, appeared before us on the  
 Day of in the said County, and, having heard the  
 Charge alleged against him, declared that he was not guilty of the  
 said Offence; but the same being fully proved upon the Oath of  
*G.H.* a credible Witness, it manifestly appears to us the said  
 Justices that he the said *E.F.* is guilty of the Offence charged upon  
 him in the said Information: It is therefore considered and adjudged  
 by us the said Justices, that the said *E.F.* be convicted, and we do  
 hereby convict him of the Offence aforesaid; and we do hereby  
 declare and adjudge that he the said *E.F.* hath forfeited the Sum  
 of of lawful Money of Great Britain, for  
 the Offence aforesaid, to be distributed as the Law directs, ac-  
 cording to the Form of the Statute in that Case made and provided.  
 Given, &c.

[*After the Words " being duly summoned to answer the said  
 Charge" insert " did not appear before us pursuant to the said  
 Summons," or " did neglect and refuse to make any Defence  
 against the said Charge;" but the same being fully proved, &c., as  
 before.*]

[*After the Words " Charge alleged against him" insert " ac-  
 knowledged and voluntarily confessed the same to be true;" and it  
 manifestly appears to us the said Justices, &c., as above.*]

This is to be  
 inserted when  
 the Party re-  
 fuses to appear  
 upon the Sum-  
 mons.

This is to be  
 inserted when  
 the Party ac-  
 cused confesses  
 the Charge.

No. 23.

*Warrant to distrain for the Forfeiture.*

(to wit.) } To the Constable [*Headborough or Tithingman*]  
 of

WHEREAS *A.B.* of in the said County [*Yeoman,  
 &c.*] is this Day convicted before us, Two of His Majesty's Justices  
 of the Peace in and for the said County, upon the Oath of *G.H.*  
 a credible Witness, for that the said *A.B.* hath [*here set forth  
 the Offence, describing it particularly in the Words of the Act, as near  
 as may be,*] contrary to the Statute in that Case made and pro-  
 vided; by reason whereof the said *A.B.* hath forfeited the Sum  
 of to be distributed as herein is mentioned, which  
 he hath refused to pay: These are therefore in His Majesty's Name  
 to command you to levy the said Sum of by Distress  
 of the Goods and Chattels of him the said *A.B.*; and if within the  
 Space of Four Days next after such Distress by you taken the said  
 Sum of together with the reasonable Charges of  
 taking and keeping the same, shall not be paid, that then you do  
 sell the said Goods and Chattels so by you distrained, and out of  
 the Money arising by such Sale that you do pay one Half of the  
 said Sum of to *E.F.* of who  
 informed me of the Offence, and the other Half of the said Sum  
 of to *I.K.* the Surveyor of the Parish [*Township  
 or Place*] where the said Offence [*Neglect or Default*] happened,  
 to be employed towards the Repair of the said Highways, returning  
 the

This is to be  
 varied accord-  
 ing to the Act  
 in each par-  
 ticular Case.

the Overplus, upon Demand, to him the said *A.B.*, the reasonable Charges of taking, keeping, and selling the said Distress being first deducted; and if sufficient Distress cannot be found of the Goods and Chattels of the said *A.B.* whereon to levy the said Sum of \_\_\_\_\_ that then you certify the same to us, together with this Warrant.

Given under our Hands the \_\_\_\_\_ Day of \_\_\_\_\_

*C. D.*  
*E. F.*

No. 24.

*Return of the Constable to be made upon the Warrant of Distress when there are no Effects.*

I *A.B.*, Constable of the [Parish, &c.] of \_\_\_\_\_ in the County of \_\_\_\_\_ do hereby certify and make Oath, That by virtue of this Warrant I have made diligent Search for the Goods of the within-named \_\_\_\_\_ and that I can find no sufficient Goods whereon to levy the within Sum of \_\_\_\_\_

As witness my Hand the \_\_\_\_\_ Day of \_\_\_\_\_

*A. B.*

Sworn before me the Day and Year, &c.

*C. D.*

No. 25.

*Commitment for Want of Distress.*

(to wit.) } To the [Constable] of \_\_\_\_\_ in the said County,  
and to the Keeper of the Common Gaol [or House of Correction] at \_\_\_\_\_ in the said County.

WHEREAS *A.B.* of \_\_\_\_\_ in the said County, Yeoman, was on the \_\_\_\_\_ Day of \_\_\_\_\_ convicted before us, Two of His Majesty's Justices of the Peace in and for the said County, upon the Oath of *E.F.* a credible Witness, for that he the said *A.B.* [*here set forth the Offence*], contrary to the Statute made in the Fifth and Sixth Year of the Reign of King William the Fourth, intituled "An Act," &c. [*here set out Title of Act,*] by reason whereof the said *A.B.* hath forfeited the Sum of \_\_\_\_\_ :

And whereas on the \_\_\_\_\_ Day \_\_\_\_\_ in the Year aforesaid we did issue our Warrant to the [Constable] of \_\_\_\_\_ to levy the said Sum of \_\_\_\_\_ by Distress and Sale of the Goods and Chattels of him the said *A.B.*, and to distribute the same according to the Directions of the said Statute: And whereas it duly appears to us upon the Oath of the said [Constable] that the said [Constable] hath used his best Endeavours to levy the said Sum on the Goods and Chattels of the said *A.B.* as aforesaid, but that no sufficient Distress can be had whereon to levy the same: These are therefore to command you the said [Constable] of \_\_\_\_\_ aforesaid to apprehend the said *A.B.*, and him safely convey to the Common Gaol [or House of Correction] at \_\_\_\_\_ in the said County, and there deliver him to the Keeper thereof, together with this Precept: And we do hereby also command you the said Keeper to receive and keep in your Custody, and to keep to hard Labour, the said *A.B.* for the Space of \_\_\_\_\_ unless the said Sum shall be sooner paid, pursuant

to the said Conviction and Warrant; and for so doing this shall be your sufficient Warrant.

Given under our Hands the  
in the Year of our Lord

Day of

C. D.

E. F.

CAP. LI.

An Act for granting Relief to the Island of *Dominica*; and to amend an Act of the Second and Third Years of His present Majesty, for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount for the Purposes therein mentioned.

[31st August 1835.]

‘ WHEREAS in consideration of the heavy Losses which have been sustained in the Island of *Dominica*, in consequence of Hurricanes, it is expedient that immediate Relief should be granted to the Inhabitants of that Island:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty’s Treasury, for the Time being, by any Warrant or Warrants under his or their Hands, to direct any Sum or Sums not exceeding Twelve thousand Pounds in the whole to be issued and paid out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* for the immediate Relief of the Inhabitants of the said Island of *Dominica* who have suffered Losses in consequence of the late Hurricanes there; and such Sum or Sums not exceeding Twelve thousand Pounds in the whole shall and may be paid to such Person or Persons at such Time or Times, and in such Proportions, and under such Conditions and Restrictions, as the said Lord High Treasurer or Commissioners of His Majesty’s Treasury shall think fit to direct.

Treasury may issue 12,000*l.* out of Consolidated Fund for Relief of the Sufferers by the Hurricane at *Dominica*.

Commissioners under 2 & 3 W. 4. c. 125. to advance out of the Sum of 1,000,000*l.* to them issued, 80,000*l.* for the Assistance of *Dominica*.

II. ‘ And whereas by an Act passed in the Second and Third Years of His present Majesty’s Reign, intituled *An Act for enabling His Majesty to direct the Issue of Exchequer Bills to a limited Amount, for the Purposes and in the Manner therein mentioned; and for giving Relief to* *Trinidad, British Guiana, and Saint Lucie*, it was lawful for His Majesty, in consideration of the heavy Losses which had been sustained in the Islands of *Jamaica, Barbadoes, Saint Vincent’s, and Saint Lucie*, in consequence of the late Insurrections in the Island of *Jamaica* and of Hurricanes in the other Islands, to authorize and empower the Commissioners of His Majesty’s Treasury to direct any Number of Exchequer Bills to the Amount of One Million to be issued to certain Commissioners constituted and appointed by that Act, to be by them advanced, under certain Regulations and Restrictions and in the Manner therein mentioned, for the Assistance and Accommodation of the said Islands, and of such Persons having Property therein and connected therewith or trading thereto as should be

304 *l.* 10  
788 *l.* 17  
849 *l.* 50

' desirous of receiving the same, on due Security being given for  
 ' the Repayment of the Sums so advanced within a limited Time :  
 ' And whereas the said Commissioners, in the Execution of the  
 ' said in part recited Act, have lent and advanced divers Sums of the  
 ' Money in the Manner by the said Act authorized, but have not  
 ' yet disposed of the whole Sum of One Million by the said Act  
 ' authorized to be advanced : And whereas, for the Reasons before  
 ' mentioned, it is expedient that Provision should be made for  
 ' granting further Relief to the said Island of *Dominica* ;' be it  
 therefore further enacted, That it shall and may be lawful for the  
 Commissioners acting in the Execution of the said recited Act to  
 advance any Sum or Sums not exceeding in the whole Eighty  
 thousand Pounds of Exchequer Bills, for the Assistance and Ac-  
 commodation of the said Island of *Dominica*, out of such Part of  
 the said Sum of One Million Exchequer Bills by the said Act au-  
 thorized to be issued which has not already been or shall not here-  
 after be paid, advanced, or lent by the said Commissioners ; and it  
 shall and may be lawful for the said Commissioners to appropriate  
 any Sum or Sums, not exceeding in the whole Eighty thousand  
 Pounds, to the said Island of *Dominica*, and any Part of the said  
 Sum of Eighty thousand Pounds not exceeding Ten thousand  
 Pounds shall and may be advanced by the said Commissioners to  
 such Persons as may be duly authorized and appointed by any Act  
 passed or to be passed by the Legislature of the said Island of  
*Dominica* to borrow the same for the Public Service and on the  
 Credit of the Revenues or Public Property of the said Island, upon  
 the said Commissioners being satisfied that the said Sum so to be  
 advanced, together with Interest thereon at the Rate of Four  
 Pounds *per Centum per Annum*, is duly secured by some Act passed  
 or to be passed by the Legislature of the said Island.

10,000*l.* of  
 which may be  
 appropriated for  
 the Public Ser-  
 vice on certain  
 Conditions.

III. And be it further enacted, That the said Sum of Eighty  
 thousand Pounds of the said Exchequer Bills, after deducting  
 therefrom such Part (if any) as shall be lent for the Public Service  
 of the said Island of *Dominica*, shall be advanced and lent by the  
 said Commissioners for the Purpose of enabling the Owners of and  
 Persons interested in the Estates and Property which have sus-  
 tained Injury in the said Island from Hurricanes to resume the  
 Cultivation and Habitation of such Estates and Property, and the  
 Manufacture of the Produce of such Estates, by restoring the Works  
 and Machinery destroyed or injured, and providing the requisite  
 Contingencies and Supplies for such Estates and the apprenticed  
 Labourers belonging thereto, and restoring (as far as the same can  
 be accomplished) such Estates and Property to the Condition in  
 which the same were before the said Injuries were sustained : Pro-  
 vided always, that the Amount so to be advanced and lent to such  
 Owners of Estates and Property, and Persons interested therein,  
 in the said Island of *Dominica*, shall not in any Case be less than  
 the Sum of Three hundred Pounds ; any thing in the said in part  
 recited Act to the contrary notwithstanding.

Purposes for  
 which the  
 80,000*l.* shall  
 be advanced.

Not less than  
 300*l.* to be  
 advanced in  
 any Case.

IV. And be it further enacted, That all such Advances shall be  
 made in such and the same Manner, and under and subject to such  
 and the same Conditions, Provisions, and Restrictions, and on such  
 Securities, and in all respects whatsoever as is provided and directed  
 by the said in part recited Act with regard to Advances to be made

Advances under  
 this Act to be  
 made in the  
 same Manner as  
 Advances under  
 recited Act.



to Owners and Persons interested in the Estates in the said Islands of *Jamaica*, *Barbadoes*, *Saint Vincent's*, and *Saint Lucie*, and in all respects whatsoever, so far as the same can be made applicable and are not varied by this Act, as if the said Island of *Dominica* had been included in the said Act as one of the Islands to be relieved, and as if the said Commissioners had been by the said Act authorized to appropriate to the said Island of *Dominica* such a Portion of the said Million of Exchequer Bills as is hereby directed to be apportioned to the said Island of *Dominica*.

Provisions of recited Act to extend to this Act.

V. And be it further enacted, That all and every the several Clauses, Powers, Provisions, Enactments, Penalties, and Restrictions in the said Act contained, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and as if all such Clauses, Powers, Provisions, and Enactments were herein repeated and made applicable to the said Island of *Dominica*, and to the Loans and Grants to be made in pursuance of this Act, and to every Matter and Thing to be done in pursuance of this Act; and all and every the Securities to be taken in pursuance of this Act shall be taken in such Manner as by the said Act is directed with respect to the Securities thereby authorized or directed to be taken; and all and every such Securities shall have such Force, Priority, and Effect in all respects as if they were taken in pursuance of and under the Authorities of the said in part recited Act; and all and every the Rules, Orders, and Directions made or to be made by the said Commissioners shall apply to the said Island of *Dominica*, and the Loans to be granted and the Securities to be taken in pursuance of this Act, in all respects whatsoever, as if the Loans hereby authorized to be made had been authorized by the said Act.

Act not to prevent Commissioners making Loans under recited Act.

VI. Provided always, and be it further enacted, That nothing herein contained shall prevent the said Commissioners from making, at any Time after the passing of this Act, any Loan or Advance to any of the Owners of Estates or other Persons interested therein in the Islands of *Jamaica*, *Barbadoes*, *Saint Vincent*, and *Saint Lucie* in pursuance of the said in part recited Act.

Commissioners may appoint Commissioners in Aid.

VII. And be it further enacted, That it shall be lawful for the said Commissioners for the Time being to appoint Commissioners in the said Island of *Dominica* to act in their Aid and under their Directions, as in the said in part recited Act is provided with regard to Commissioners in Aid to be appointed in the Islands in that Act mentioned.

Commissioners may send and receive Letters free of Postage.

VIII. And whereas it was by the said in part recited Act enacted, that the said Commissioners should receive and send by the General Post from and to Places within the United Kingdom all Letters and Packets relating solely and exclusively to the Execution of the said Act, free from the Duty of Postage, under the Regulations and in manner in the said Act provided; and it is expedient to extend such Privilege; be it therefore enacted, That the said Commissioners shall and may receive and send, by the General Post or otherwise, not only from and to Places within the United Kingdom, but also from and to Places within any of His Majesty's Colonies or Dominions, all Letters and Packets relating solely and exclusively to the Execution of the said recited

Act

Act or this Act free from the Duty of Postage, subject nevertheless to the Provisions and Regulations in the said Act contained with respect to the Letters and Packets thereby authorized to be sent and received free from the Duty of Postage.

IX. And be it further enacted, That it shall be lawful for any Two or more of the said Commissioners acting in the Execution of the said in part recited Act or of this Act to reconvey or re-assign all or any of the Securities taken or to be taken to His Majesty or otherwise under the Authority of the said in part recited Act or of this Act, or any of them, on Payment of the Monies thereby secured, or to release any Part of the Estates or Effects charged as a Security for any Loan made or to be made, in case the said Commissioners shall think fit that any of the Securities for the same should be released, either on the Substitution of any further or other Security or not, as the Case shall be.

Commissioners may reconvey Securities on Payment of the Money secured, &c.

X. And be it further enacted, That in any Case where any Mortgages or other Securities may have been made to His Majesty in pursuance of the Powers contained in the said in part recited Act, and which said Mortgages or other Securities included any Slaves, it shall not be necessary for His Majesty, or any Person on His Behalf, unless the said Commissioners shall think fit, to make any Claim to the Monies payable by way of Compensation for the Services of such Slaves, under or by virtue of the Provisions of an Act passed in the Third and Fourth Years of the Reign of His present Majesty for the Abolition of Slavery throughout the *British Colonies*; and that where no Claim shall have been made by or on the Behalf of His Majesty, such Compensation Money shall be in all respects freed and discharged from all Claim and Demand whatsoever of His said Majesty: Provided nevertheless, that the Omission to make such Claim by or on behalf of His Majesty shall not in anywise prejudice or affect any Security made to His Majesty, or the Priority obtained thereby, as regards the Plantations, Estates, or other Property comprised in such Security.

Where Mortgages made to His Majesty include Slaves, it shall not be necessary for Him to make Claim for Compensation for their Services under 3 & 4 W. 4. c. 73.

XI. And be it further enacted, That this Act, or any of the Provisions thereof, may be amended, altered, or repealed by any Act or Acts to be passed in this Session of Parliament.

Act may be altered this Session.

## CAP. LII.

An Act to authorize the Court of Directors of the *East India Company* to suspend the Execution of the Provisions of the Act of the Third and Fourth *William* the Fourth, Chapter Eighty-five, so far as they relate to the Creation of the Government of *Agra*.

[31st August 1835.]

‘ WHEREAS by an Act of Parliament made and passed in the  
 ‘ Fourth Year of the Reign of His present Majesty, intituled  
 ‘ *An Act for effecting an Arrangement with the East India Company,*  
 ‘ *and for the better Government of His Majesty’s Indian Territories,*  
 ‘ *till the Thirtieth Day of April One thousand eight hundred and*  
 ‘ *fifty-four,* it is among other Things enacted, that the Territories  
 ‘ then subject to the Government of the Presidency of *Fort William*  
 ‘ in *Bengal* shall be divided into Two distinct Presidencies, one of

3 & 4 W. 4. c. 85.

‘ such Presidencies, in which shall be included *Fort William* aforesaid, to be styled the Presidency of *Fort William* in *Bengal*, and the other of such Presidencies to be styled the Presidency of *Agra* : And whereas much Difficulty has arisen in carrying such Enactment into effect, and the same would be attended with a large Increase of Charge :’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Court of Directors of the *East India* Company, under the Direction and Control of the Board of Commissioners for the Affairs of *India*, to suspend the Execution of the Provisions of the said in part recited Act so far as the same relate to the Division of the said Territories into Two distinct Presidencies, and to the Measures consequent thereupon, for such Time and from Time to Time as the said Court of Directors, under the Direction and Control of the said Board of Commissioners, shall think fit.

East India Company may suspend Provisions of recited Act as to the Division of the Territories into Two Presidencies.

Governor General, during such Suspension, may appoint a Lieutenant Governor of the North-western Provinces.

II. And be it further enacted, That for and during such Time as the Execution of such Provisions aforesaid shall be suspended by the Authority aforesaid it shall and may be lawful for the Governor General of *India* in Council to appoint from Time to Time any Servant of the *East India* Company, who shall have been Ten Years in their Service in *India*, to the Office of Lieutenant Governor of the North-western Provinces now under the Presidency of *Fort William* in *Bengal*, and from Time to Time to declare and limit the Extent of the Territories so placed under such Lieutenant Governor, and the Extent of the Authority to be exercised by such Lieutenant Governor, as to the said Governor General in Council may seem fit.

### CAP. LIII.

An Act to repeal an Act of the Ninth Year of His late Majesty, for regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the *British Possessions* on the Continent and Islands of *North America* ; and to make further Provision for regulating the Carriage of Passengers from the United Kingdom. [31st August 1835.]

‘ **W**HEREAS it is expedient to make Provision respecting the Carriage of Passengers from the United Kingdom to distant Countries, and for that Purpose to repeal a certain Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to regulate the Carriage of Passengers in Merchants Vessels from the United Kingdom to the Continent and Islands of North America* :’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby repealed : Provided nevertheless, that all Fines, Forfeitures, and Penalties to which any Person or Persons may have become liable under the said Act shall and may be sued for, prosecuted, and recovered ; and that any Right of Action which may have accrued to any Person or Person,

9 G. 4. c. 21.

Repeal of recited Act except as to Penalties incurred, and to Rights of Action which

repealed by  
566 & c. 187

Persons by virtue of the said Act shall and may be enforced hereafter in such and the same Manner in all respects as if this present Act had not been made.

may have accrued.

II. And be it further enacted, That no Ship carrying Passengers from any Port or Place in the United Kingdom, or in the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, on any Voyage to or for any Port or Place out of *Europe*, and not being within the *Mediterranean Sea*, shall proceed on her Voyage with more Persons on board than in the Proportion of Three Persons for every Five Tons of the registered Burthen of such Ship, the Master and Crew being included in and forming a Part of such prescribed Number; and that no such Ship having more than One Deck shall carry any Passengers upon any such Voyage as aforesaid unless she shall be of the Height of Five Feet and a Half at the least between Decks; and that no such Ship having only One Deck shall carry any Passengers upon any such Voyage as aforesaid unless a Platform shall be laid beneath such Deck in such a Manner as to afford a Space of the Height of at least Five Feet and a Half, and that no such Ship shall have more than Two Tiers of Berths; and that no such Ship having Two Tiers of Berths shall carry any Passengers on any such Voyage as aforesaid unless there shall be an Interval of Six Inches at the least between the Deck or Platform and the Floor of the lower Tier throughout the whole Extent thereof: Provided always, that, whatever may be the Tonnage of the Ship, no greater Number of Persons as Passengers shall be taken on board than shall be after the Rate of One such Person for every Ten Superficial Feet of the lower Deck or Platform unoccupied by Goods or Stores, not being the personal Luggage of such Persons, if such Ship shall not have to pass the Line on her Voyage, or after the Rate of One such Person for every Fifteen such clear Superficial Feet if such Ship shall have to pass the Line.

No Ship to sail with more than Three Persons on board for every Five Tons of Burthen.

Ships carrying Passengers to have a Height of Five Feet and a Half between Decks.

When Two Tiers of Berths, the Floor of the lower Tier to be Six Inches above the Deck.

III. And be it further enacted, That no Ship carrying Passengers on any such Voyage as aforesaid shall be cleared out for such Voyage from any Port in the United Kingdom, or in the said Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, unless and until there shall be actually laden and on board such Ship good and wholesome Provisions for the Use and Consumption of the said Passengers, over and above the victualling of the Crew, to the Amount or in the Proportion following: that is to say, a Supply of pure Water to the Amount of Five Gallons to every Week of the computed Voyage for every Passenger on board such Ship, such Water being carried in Tanks or sweet Casks, and a Supply of Bread, Biscuit, Oatmeal, or Bread Stuffs to the Amount of Seven Pounds Weight, to every Week of the computed Voyage for every such Passenger: Provided always, that to the Extent of One Third of such Supply, and no more, Seven Pounds Weight of Potatoes may be deemed and computed to be equivalent to One Pound Weight of Bread, Biscuit, Oatmeal, or Bread Stuffs in the Supply of any Ship bound to some Place in *North America*. Provided also, that when any Ship shall be destined to call at a Port or Place in the Course of her Voyage for the Purpose of filling up her Water, a Supply of Water at the Rate before mentioned for every Week of the computed Voyage to such Port or Place of calling shall be deemed to be a Compliance with the Provisions of this Act.

Regulating the Quantity of Water and Provisions to be carried by every Vessel with Passengers on board.

IV. And

Computed  
Number of  
Weeks requisite  
for Voyage of  
Vessel.

IV. And be it further enacted, That the Number of Weeks deemed to be necessary for the Voyage of any such Ship, according to her Destination, shall be determined by the following Rule of Computation ; (that is to say,)

For a Voyage to *North America*, Ten Weeks :

For a Voyage to *South America* on the *Atlantic Ocean*, or to the West Coast of *Africa*, Twelve Weeks :

For a Voyage to the *Cape of Good Hope*, Fifteen Weeks :

For a Voyage to the *Mauritius*, Eighteen Weeks :

For any other Voyage, Twenty-four Weeks.

Officers of Customs to examine Provisions and Water before Departure of Vessel.

V. And be it further enacted, That before any such Ship shall be cleared out for the Voyage the Officers of the Customs shall survey, or cause to be surveyed by some competent Person, the Provisions and Water herein-before required for the Consumption of the Passengers, and shall ascertain that the same are in a sweet and good Condition, and shall also ascertain that, over and above the same, there is on board an ample Supply of Water and Stores for the victualling of the Crew of the Ship ; and such Officers shall also ascertain that the Directions herein-before contained in respect of the Situations of Berths have been complied with.

A Table to be made of the Prices of Provisions to be sold on board.

VI. And be it further enacted, That the Master of every such Ship shall cause a Table to be drawn up of the respective Prices at which any Provisions or Stores that may be sold by any Person on board to any of the Passengers during the Voyage are to be supplied ; and that a Copy of the same, printed or written in a fair and legible Manner, shall be affixed in some convenient and conspicuous Place on board the said Ship for the Perusal of all Parties, and that the same shall be maintained for continual Reference as well during the Period in which Passengers shall be engaged as during the whole of the Voyage ; and that no higher Prices than are stated in such Table shall in any Case be charged for such Provisions or Stores as may be so supplied during the Voyage : Provided nevertheless, that nothing herein contained shall be construed as requiring the Master of any Ship to provide Provisions or Stores for the Purpose of Sale to any Passengers who may have contracted to victual themselves during the Voyage.

Sea-worthiness of the Ship may be ascertained by Survey.

VII. And be it further enacted, That if Doubts shall arise whether any Ship about to proceed with Passengers as aforesaid is Sea-worthy, so as to be fit for her intended Voyage, and such Doubts shall not be removed to the Satisfaction of the Collector and Comptroller of the Customs at the Port from which such Vessel is to be cleared out, it shall be lawful for such Collector and Comptroller at any Time to cause such Ship to be surveyed by Two competent Persons ; and if it shall be reported by those Persons that such Ship is not in their Opinion Sea-worthy with reference to such Voyage, such Ship shall not be cleared out unless the Contents of such Report be disproved to the Satisfaction of the Commissioners of the Customs, or until such Ship shall have been rendered Sea-worthy.

Copies or Abstracts of this Act to be kept on board for Perusal of Passengers.

VIII. And be it further enacted, That Two Copies of this Act, or Abstracts of the same, made, provided, and issued by the Authority of the Commissioners of the Customs, and authenticated by the Signature of the Collector or Comptroller of the Customs at the Port of Clearance of the Ship, shall be delivered to the Master, on Demand,

Demand, by such Collector or Comptroller at the Time of Clearance, and shall be kept on board every Ship proceeding with Passengers as aforesaid, and that One of such Copies or Abstracts shall, upon Request made at seasonable Times to the Master of the Ship, be produced to any Passenger for his Perusal.

IX. And be it further enacted, That no Ship carrying Passengers in any such Voyage as aforesaid to any such Port or Place as aforesaid, except any Port or Place in *North America*, if the Number of such Passengers shall amount to or exceed One hundred, shall clear out for such Voyage from any Port in the United Kingdom, or in the said Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, unless there shall be rated upon the Ship's Company, and shall be actually serving on board such Ship, some Person duly authorized by Law to practise in this Kingdom as a Physician or Surgeon or Apothecary, and that no such Ship shall actually put to Sea or proceed on such Voyage unless such Medical Practitioner shall be therein, and shall *bonâ fide* proceed on such Voyage, taking with him a Medicine Chest, and a proper Supply of Medicines, Instruments, and other Things suitable to the intended Voyage; and no Ship carrying Passengers under the Provisions of this Act shall clear out for any Voyage from any such Port as aforesaid unless and until there shall be actually laden and on board such Ship Medicines and other Things necessary for the Medical Treatment of the Passengers on board during such intended Voyage, and available for that Purpose, nor unless such Medicines and other Things shall be adequate in Amount and Kind to the probable Exigencies of any such Voyage; and, together with such Medicines and other Things, shall also be put on board every such Ship previously to her clearing out for any such Voyage as aforesaid a Certificate under the Hands of any Two or more such Medical Practitioners as aforesaid, to the Effect that such Medicines and other Things have been inspected by them, and are, in their Judgment, adequate to meet any such probable Exigencies as aforesaid.

X. And be it further enacted, That no Ship carrying Passengers to any Place as aforesaid shall be cleared out if there shall be laden on board such Ship by way of Stores, over and above the Stores proper for the Crew of such Ship, any Quantity of Spirits or Strong Waters beyond One Tenth Part of such Quantity as would, except for this Restriction, be allowed by the Officers of the Customs upon the Victualling Bill of such Ship for the Outward Voyage only, according to the Number of Persons going the Voyage.

XI. And be it further enacted, That the Master of every Ship carrying Passengers on any such Voyage as aforesaid shall, before clearing out his said Ship for such Voyage from any Port or Place in the United Kingdom, or in the said Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, deliver to the Collector or other Principal Officer of His Majesty's Customs at such Port or Place a List in Writing, together with a Duplicate of the same, specifying, as accurately as may be, the Names, Ages, and Professions or Occupations of all and every the Passengers on board such Ship, with the Name of the Port or Place at which he the said Master hath contracted to land each of the said Passengers; and such Collector or other Chief Officer of Customs shall thereupon deliver to the said Master a Counterpart of such List signed by him the said Collector

With every Ship carrying 100 Passengers a Medical Practitioner to sail; in every Ship carrying a smaller Number, Medicines of sufficient Amount and Kind to be carried.

Ships carrying Passengers as aforesaid prohibited from exporting Spirits, &c. as Merchandise.

Master to deliver List of Passengers to Collector of Customs, who shall give to the Master a Counterpart to be exhibited to the Chief Officer of Customs at the Port of landing.

Collector or other Chief Officer as aforesaid; and the said Master shall exhibit the said Counterpart of his said List to the Collector or other Chief Officer of His Majesty's Customs at any Port or Place in His Majesty's Possessions, or to His Majesty's Consul at any Foreign Port, at which the said Passengers, or any of them, shall be landed, and shall deposit the same with such Collector or Chief Officer of Customs, or such Consul, as the Case may be, at his final Port of Discharge in the said Possessions.

Penalty on Master improperly landing Passengers at any Place not contracted for.

XII. And for the Prevention of Frauds which might be practised upon Persons emigrating from the United Kingdom, be it further enacted, That the Master of any Ship carrying any Passengers as aforesaid shall not, without his or her previous Consent, land or put on shore, or cause to be landed or put on shore, any Passenger at any Port or Place other than the Port or Place at which he may have contracted to land or put such Passenger on shore.

How Children are to be computed in the Enumeration of Passengers.

XIII. Provided always, and be it further enacted and declared, That for the Purpose and within the Meaning of this Act Two Children, each being under the Age of Fourteen Years, but above the Age of Seven Years, or Three Children, each being under the Age of Seven Years, shall in all Cases be computed as One Person only; and that Children under the Age of Twelve Months shall not be included in the Computation of the Number of Persons.

Fines in case of Detention.

XIV. And be it further enacted, That if any Ship shall not actually put to Sea and proceed upon any such intended Voyage as aforesaid on the Day for that Purpose appointed in and by any Contract made by the Owner, Master, or Charterer of such Ship, or by their Agent, with any Passenger who shall on that Day be on board the same, or ready to proceed on such intended Voyage, then and in every such Case the Master of such Ship shall pay to each and every such Passenger as shall have contracted to victual himself a Fine, to be computed at and after the Rate of One Shilling in respect of each Day during which he or she shall be so detained previously to the actual clearing out and final Departure of such Ship on such Voyage, and that the same may be recovered daily; and the Master of such Ship shall victual each and every such Passenger as shall have contracted to be victualled by the Ship Owner on and from the Day which shall be so appointed: Provided always, that no such Fine as aforesaid shall be incurred or be payable in respect of any Detention of any such Vessel which shall be so detained by Stress of Weather or other unavoidable Cause.

Passengers to be maintained for 48 Hours after their Arrival.

XV. And be it further enacted, That at the Close of any such Voyage as aforesaid every Person arriving as a Passenger at any Port or Place shall, during the Space of Forty-eight Hours next after such Arrival, be entitled to continue on board such Ship, and to be provided for and maintained on board the same in such and the same Manner as during such Voyage, unless in any Case it shall have been expressly stipulated and agreed between any such Passenger and the Master of such Ship that such Passenger shall not be entitled to such Provision or Maintenance during the said Period of Forty-eight Hours, or unless in the ulterior Prosecution of her Voyage any such Ship shall quit any such Port or Place within the said Period of Forty-eight Hours.

Penalties in case of Infraction of

XVI. And be it further enacted, That if any Ship carrying Passengers on any Voyage from any Port or Place in the United Kingdom,

dom, or in the Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, on any Voyage to or for any Port or Place out of *Europe*, and not being in the *Mediterranean Sea*, shall carry any Number of Passengers exceeding by more than One Person in Fifty the Proportion authorized and allowed by this present Act; or if such Ship shall not be of the Height between Decks herein-before required; or if such a Platform as herein-before directed shall not be laid and continued throughout the whole Duration of any such Voyage in such Manner as is herein-before required; or if there shall be more than Two Tiers of Berths; or if there shall not be throughout the whole Duration of any such Voyage such an Interval as is herein-before prescribed between the Deck and the Floor of the lower Tier of Berths; or if any such Ship shall clear out and put to Sea not having on board such Water and Provisions as aforesaid, for the Use and Consumption of the said Passengers, of the Kind and to the Amount and in the Proportion herein-before required; or if a Table of the Prices of Provisions or Stores shall not be exhibited as herein-before required; or if any higher Prices than are named in such Table shall be charged; or if there shall not be on board any such Vessel such Medical Practitioner as aforesaid, or such Medicines and other Things necessary to the Medical Treatment of the Passengers, as is herein-before required; or if any such Ship shall be cleared out before such Lists of Passengers as herein-before mentioned shall have been delivered in manner and form aforesaid to such Officer as aforesaid; or if any such List shall be wilfully false; or if the Copy or Abstract of this Act be not produced as herein-before required; or if any Passenger shall not be allowed to continue on board such Ship in manner herein-before provided; or if any Passenger shall, without his or her previous Consent, be put on shore at any Place other than the Place at which the Master had contracted to land such Passenger; the Master of any such Ship shall for and in respect of each and every such Offence be liable, on such summary Conviction as herein-after mentioned, to the Payment of a Fine of not less than Five Pounds nor more than Twenty Pounds Sterling *British Money*.

the preceding  
Enactments.

XVII. Provided nevertheless, and be it further enacted, That nothing herein contained shall take away or abridge any Right of Suit or Action which may accrue to any Passenger in any such Ship, or to any other Person, in respect of the Breach or Nonperformance of any Contract made or entered into between or on the Behalf of any such Passenger or other Person, and the Master, Owner or Owners of any such Ship.

The Right of  
Action of Pas-  
sengers not to  
be taken away  
or abridged.

XVIII. And be it further enacted, That all Indictments or Informations against any Person or Persons for or in respect of any Offences by them committed or alleged to have been committed under this Act, and that all Proceedings for the Recovery of any Fines, Penalties, or Forfeitures incurred or alleged to have been incurred by any Person or Persons under this Act, shall be preferred and prosecuted by any Person or Persons whomsoever, and shall be proceeded with and determined before such and the same Courts, Magistrates, and Justices of the Peace, and in such and the same Manner, and by such and the same Persons, and with, under, and subject to all such and the same Rules, Provisoos, Conditions, and Restrictions, as in the Case of any Indictments or Informations preferred

Prosecution  
and Recovery  
of Penalties.



preferred or Proceedings taken for or in respect of any Offence committed, or for the Recovery of any Fines, Penalties, or Forfeitures incurred, under any Act of Parliament now in force for the Prevention of Smuggling, or relating to the Customs or to Trade or Navigation: Provided always, that in order to the preferring, prosecuting, proceeding with, or determining any such Indictments or Informations under this present Act, the Direction or Consent of the Commissioners of Customs shall not be necessary or required, any thing in such Acts of Parliament as aforesaid to the contrary in anywise notwithstanding.

Masters of Vessels to enter into Bond (without Stamps) for the due Performance of the Regulations prescribed by this Act.

XIX. And for the more effectually securing the Observance of the aforesaid Rules, and the Payment of the Penalties aforesaid; be it further enacted, That before any Ship carrying Passengers shall clear out for any such Voyage as aforesaid from any Port or Place in the United Kingdom, or in the said Islands of *Guernsey, Jersey, Alderney, Sark, or Man*, to or for any Port or Place out of *Europe*, and not being in the *Mediterranean Sea*, the Master of the said Ship shall enter into a Bond to His Majesty, His Heirs and Successors, with One good and sufficient Surety, to be approved by the Collector or other Chief Officer of Customs at such Port, in the Sum of One thousand Pounds, the Condition of which Bond shall be that the said Ship is Sea-worthy, and that all and every the Rules and Regulations made and prescribed by this Act for the Carriage of Passengers shall be well and truly performed before and during such intended Voyage, and that all Penalties, Fines, and Forfeitures which the Master of such Ship may be sentenced or adjudged to pay for or in respect of the Breach or Nonperformance, before or during such Voyage, of any such Rules and Regulations, shall be well and truly paid: Provided always, that such Bond shall be without Stamps, and that no such Bond shall be put in Suit, and that no Prosecution, Suit, Action, or Information shall be brought under or by virtue of this Act, or upon or by reason of the Breach of any of the Provisions thereof, in any of His Majesty's Possessions Abroad after the Expiration of Twelve Calendar Months next succeeding the Commencement of any such Voyage as aforesaid, nor in the United Kingdom or any of the Islands before mentioned after the Expiration of Twelve Calendar Months next after the Return of the Master to the Port or Place from which he sailed on such Voyage.

Limitation of Prosecutions.

XX. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to Ships carrying Passengers in Cases in which the Number of Persons, computed in manner herein-before provided, shall not exceed One Person for every Five Tons of the registered Burthen of such Ship; nor shall any thing in this Act contained extend to any Ship in the Service of the Lords Commissioners of His Majesty's Admiralty, or in the Service of His Majesty's Postmaster General, or in the Service of the *East India Company*.

Exception of particular Kinds of Ships.

XXI. And be it further enacted and declared, That the *Bahama* Islands, and all Places in *America* Southward of the same, shall be deemed to be in *South America* for the Purposes of this Act.

Bahamas, &c. to be deemed in South America.

XXII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this Session of Parliament.

Act may be altered in this Session.

## CAP. LIV.

An Act to render certain Marriages valid, and to alter the Law with respect to certain voidable Marriages.

[31st August 1835.]

*Rec. of B. Chamberl.*  
127. 174  
*Book v. 13. 30m.*  
29ff. 481

• **W**HEREAS Marriages between Persons within the prohibited Degrees are voidable only by Sentence of the Ecclesiastical Court pronounced during the Lifetime of both the Parties thereto, and it is unreasonable that the State and Condition of the Children of Marriages between Persons within the prohibited Degrees of Affinity should remain unsettled during so long a Period, and it is fitting that all Marriages which may hereafter be celebrated between Persons within the prohibited Degrees of Consanguinity or Affinity should be *ipso facto* void, and not merely voidable: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Marriages which shall have been celebrated before the passing of this Act between Persons being within the prohibited Degrees of Affinity shall not hereafter be annulled for that Cause by any Sentence of the Ecclesiastical Court, unless pronounced in a Suit which shall be depending at the Time of the passing of this Act: Provided that nothing hereinbefore enacted shall affect Marriages between Persons being within the prohibited Degrees of Consanguinity.

Marriages before the passing of this Act of Persons within the prohibited Degrees not to be annulled.

II. And be it further enacted, That all Marriages which shall hereafter be celebrated between Persons within the prohibited Degrees of Consanguinity or Affinity shall be absolutely null and void to all Intents and Purposes whatsoever.

Marriages within prohibited Degrees void.

III. Provided always, and be it further enacted, That nothing in this Act shall be construed to extend to that Part of the United Kingdom called *Scotland*.

Not to extend to Scotland.

IV. And be it enacted, That this Act may be altered or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered this Session.

## CAP. LV.

An Act for facilitating the Appointment of Sheriffs in *Ireland*, and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer in *Ireland*; and to amend the Laws relating to Grants in custodiam and Recovery of Debts in *Ireland*; and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in *Ireland* to the Commissioners for auditing the Public Accounts of *Great Britain*.

[9th September 1835.]

324 Vc. 105. 21

• **W**HEREAS it appears by the Twelfth Report made to His Majesty by the Commissioners appointed to inquire into the

3 &amp; 4 W. 4. c. 99.

Sheriffs need not sue out Patent or Writ of Assistance, or take Oath, or be apposed in the Exchequer.

Sheriff to be appointed by Warrant.

Duplicate of Warrant to be transmitted to the Secondary of the Chief Remembrancer.

‘ the Duties, Salaries, and Emoluments of the Officers, Clerks, and  
 ‘ Ministers of Justice in all Temporal and Ecclesiastical Courts in  
 ‘ *Ireland*, that it is expedient to make Provision for the better  
 ‘ taking of the Accounts of Sheriffs and of Custodees in Trust for  
 ‘ His Majesty, and to abolish the Proceeding by Custodiam for the  
 ‘ Recovery of Debts due by Subject to Subject, and to substitute  
 ‘ another Remedy for it, and that certain Offices in the Court of  
 ‘ Exchequer in *Ireland* may be abolished: And whereas it is expedient to extend to *Ireland* certain Provisions of an Act passed in the Third and Fourth Years of His Majesty’s Reign, intituled  
 ‘ *An Act for facilitating the Appointment of Sheriffs, and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Issues, forfeited Recognizances, Penalties, and Deodands; and to abolish certain Offices in the Court of Exchequer:*’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act it shall not be necessary for any Sheriff or Sheriffs of any County, City, or Town in *Ireland* to sue out any Patent or Writ of Assistance, or to make or pay Proffers, nor shall he or they be apposed or take any Oath or Oaths before the Barons of the said Court to account or be cast out of Court, as now or heretofore in use in His Majesty’s Court of Exchequer in *Ireland*; any Law, Statute, or Usage to the contrary notwithstanding.

II. And be it further enacted, That whenever any Person shall be duly nominated by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for and to be Sheriff of any County in *Ireland*, such Appointment shall be forthwith notified in the *Dublin Gazette*, and the Appointment of every such Sheriff shall be made by a Warrant under the Signature or Signatures of the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, according to the Form set forth in the Schedule hereto annexed, which Schedule and every thing therein contained shall be deemed and be Part of this Act; and every such Warrant shall be made out by the Chief or Under Secretary of the said Lord Lieutenant or other Chief Governor or Governors, and shall be by him transmitted to the Person so nominated and appointed Sheriff as aforesaid; and the Appointment of Sheriff thereby made shall be as good, valid, and effectual in the Law to all Intents and Purposes whatsoever as if the same had been made by Patent under the Great Seal of *Ireland*, or by any Ways and Means heretofore in use; and the Sheriff and Sheriffs so nominated and appointed as aforesaid shall thereupon, and upon taking the Oath of Office hereafter mentioned, but not before, have and exercise all Powers, Privileges, and Authorities whatsoever usually exercised and enjoyed by Sheriffs of Counties in *Ireland*, without any Patent, Writ of Assistance, or other Writ whatsoever, or entering into Recognizance by himself or Sureties, and without Payment of or being liable to pay any Fees whatsoever for the same.

III. Provided always, and be it further enacted, That a Duplicate of the said Warrant shall within Ten Days next after the Date thereof be transmitted by the said Chief or Under Secretary to the Secondary of the Chief Remembrancer of the said Court of Exchequer,

chequer, to be by him enrolled, and which he is hereby required forthwith to enrol, and to keep without Fee or Reward.

IV. And be it further enacted, That from and after the Commencement of this Act any Person so appointed Sheriff as aforesaid who shall nominate and appoint any Person to be his Under Sheriff shall make such Appointment by Writing under his Hand, and shall within One Month after such Appointment transmit a Duplicate thereof to the said Secondary, to be by him filed, and which he is hereby required to file, among the Records of his Office, and for which he shall be entitled to demand and have from such Under Sheriff the Sum of Five Shillings, and no more; and such Appointment and Duplicate shall not be liable to any Stamp Duty whatever; and any Sheriff neglecting so to do shall forfeit a Sum of One hundred Pounds to any Person who will sue for the same; and no such Appointment to the Office of Under Sheriff shall be invalid for or by reason of the Person so appointed having exercised, executed, or officiated as Under Sheriff within Three preceding Years; nor shall the High Sheriff appointing, or the Person so appointed by him, be liable to any Fine or Penalty for exercising, executing, or officiating in the said Office of Under Sheriff under such Appointment; any Law or Statute heretofore made to the contrary notwithstanding.

Sheriff to transmit Duplicate of Appointment of Under Sheriff to the said Secondary.

V. And be it further enacted, That each and every Person so appointed Sheriff and Under Sheriff as aforesaid shall before he enter upon the Execution of his Office take the Oath heretofore and now required by Law, which Oath shall be fairly written on Parchment, without being subject to Stamp Duty, and signed by him, and shall and may be sworn before the Barons of His Majesty's Exchequer, or any of them, or before the said Chief Remembrancer, or any Commissioner for taking Affidavits in said Court, and the same shall be thereupon transmitted to the said Secondary, who is hereby required to file the same among the Records of his Office, for which he shall be entitled to demand and have from such Sheriff or Under Sheriff the Sum of Five Shillings, and no more; and no Sheriff or Under Sheriff shall act as such until such Affidavit shall be lodged with such Secondary, on pain of Forfeiture for any Act so done a Sum of One hundred Pounds to any Person who shall sue for the same.

Oath of Office may be taken before a Baron, or the Remembrancer, or a Commissioner for taking Affidavits.

VI. And be it further enacted, That every Sheriff of any County, City, Liberty, Division, Town Corporate, or Place shall at the Expiration of his Office make out and deliver to the new or incoming Sheriff a true and correct List and Account under his Hand of all Prisoners in his Custody, and of all Writs and other Process in his Hands not wholly executed by him, with all such Particulars as shall be necessary to explain to the said incoming Sheriff the several Matters intended to be transferred to him, and shall thereupon turn over and transfer to the Care and Custody of the said incoming Sheriff all such Prisoners, Writs, and Process, and all Records, Books, and Matters appertaining to the said Office of Sheriff; and the said incoming Sheriff shall thereupon sign and give a Duplicate of such List and Account to the Sheriff going out of Office, to whom the same shall be a good and sufficient Discharge of and from all the Prisoners therein mentioned and transferred to the said incoming Sheriff, and the further Charge of the Execution

Outgoing Sheriff to give a List of Prisoners, Writs, &c. to his Successor.

‘ the Duties, Salaries, and Emoluments of the Officers, Clerks, and  
 ‘ Ministers of Justice in all Temporal and Ecclesiastical Courts in  
 ‘ *Ireland*, that it is expedient to make Provision for the better  
 ‘ taking of the Accounts of Sheriffs and of Custodees in Trust for  
 ‘ His Majesty, and to abolish the Proceeding by Custodiam for the  
 ‘ Recovery of Debts due by Subject to Subject, and to substitute  
 ‘ another Remedy for it, and that certain Offices in the Court of  
 ‘ Exchequer in *Ireland* may be abolished: And whereas it is expe-  
 ‘ dient to extend to *Ireland* certain Provisions of an Act passed in  
 ‘ the Third and Fourth Years of His Majesty’s Reign, intituled  
 ‘ *An Act for facilitating the Appointment of Sheriffs, and the more*  
 ‘ *effectual Audit and passing of their Accounts; and for the more*  
 ‘ *speedy Return and Recovery of Fines, Issues, forfeited Recog-*  
 ‘ *nizances, Penalties, and Deodands; and to abolish certain Offices*  
 ‘ *in the Court of Exchequer:’* Be it therefore enacted by the King’s  
 most Excellent Majesty, by and with the Advice and Consent of the  
 Lords Spiritual and Temporal, and Commons, in this present Parli-  
 ament assembled, and by the Authority of the same, That from  
 and after the Commencement of this Act it shall not be necessary  
 for any Sheriff or Sheriffs of any County, City, or Town in *Ireland*  
 to sue out any Patent or Writ of Assistance, or to make or pay  
 Proffers, nor shall he or they be apposed or take any Oath or Oaths  
 before the Barons of the said Court to account or be cast out of  
 Court, as now or heretofore in use in His Majesty’s Court of Ex-  
 chequer in *Ireland*; any Law, Statute, or Usage to the contrary  
 notwithstanding.

3 &amp; 4 W. 4. c. 99.

Sheriffs need not  
 sue out Patent  
 or Writ of  
 Assistance, or  
 take Oath, or  
 be apposed in  
 the Exchequer.

Sheriff to be  
 appointed by  
 Warrant.

II. And be it further enacted, That whenever any Person shall  
 be duly nominated by the Lord Lieutenant or other Chief Governor  
 or Governors of *Ireland* for and to be Sheriff of any County in  
*Ireland*, such Appointment shall be forthwith notified in the *Dublin*  
*Gazette*, and the Appointment of every such Sheriff shall be made  
 by a Warrant under the Signature or Signatures of the said Lord  
 Lieutenant or other Chief Governor or Governors of *Ireland*, ac-  
 cording to the Form set forth in the Schedule hereto annexed,  
 which Schedule and every thing therein contained shall be deemed  
 and be Part of this Act; and every such Warrant shall be made  
 out by the Chief or Under Secretary of the said Lord Lieutenant  
 or other Chief Governor or Governors, and shall be by him trans-  
 mitted to the Person so nominated and appointed Sheriff as afore-  
 said; and the Appointment of Sheriff thereby made shall be as  
 good, valid, and effectual in the Law to all Intents and Purposes  
 whatsoever as if the same had been made by Patent under the  
 Great Seal of *Ireland*, or by any Ways and Means heretofore in  
 use; and the Sheriff and Sheriffs so nominated and appointed as  
 aforesaid shall thereupon, and upon taking the Oath of Office here-  
 after mentioned, but not before, have and exercise all Powers, Pri-  
 vileges, and Authorities whatsoever usually exercised and enjoyed  
 by Sheriffs of Counties in *Ireland*, without any Patent, Writ of  
 Assistance, or other Writ whatsoever, or entering into Recognizance  
 by himself or Sureties, and without Payment of or being liable to  
 pay any Fees whatsoever for the same.

III. Provided always, and be it further enacted, That a Duplicate  
 of the said Warrant shall within Ten Days next after the Date  
 thereof be transmitted by the said Chief or Under Secretary to the  
 Secondary of the Chief Remembrancer of the said Court of Ex-  
 chequer,

Duplicate of  
 Warrant to be  
 transmitted to  
 the Secondary  
 of the Chief  
 Remembrancer.

chequer, to be by him enrolled, and which he is hereby required forthwith to enrol, and to keep without Fee or Reward.

IV. And be it further enacted, That from and after the Commencement of this Act any Person so appointed Sheriff as aforesaid who shall nominate and appoint any Person to be his Under Sheriff shall make such Appointment by Writing under his Hand, and shall within One Month after such Appointment transmit a Duplicate thereof to the said Secondary, to be by him filed, and which he is hereby required to file, among the Records of his Office, and for which he shall be entitled to demand and have from such Under Sheriff the Sum of Five Shillings, and no more; and such Appointment and Duplicate shall not be liable to any Stamp Duty whatever; and any Sheriff neglecting so to do shall forfeit a Sum of One hundred Pounds to any Person who will sue for the same; and no such Appointment to the Office of Under Sheriff shall be invalid for or by reason of the Person so appointed having exercised, executed, or officiated as Under Sheriff within Three preceding Years; nor shall the High Sheriff appointing, or the Person so appointed by him, be liable to any Fine or Penalty for exercising, executing, or officiating in the said Office of Under Sheriff under such Appointment; any Law or Statute heretofore made to the contrary notwithstanding.

Sheriff to transmit Duplicate of Appointment of Under Sheriff to the said Secondary.

V. And be it further enacted, That each and every Person so appointed Sheriff and Under Sheriff as aforesaid shall before he enter upon the Execution of his Office take the Oath heretofore and now required by Law, which Oath shall be fairly written on Parchment, without being subject to Stamp Duty, and signed by him, and shall and may be sworn before the Barons of His Majesty's Exchequer, or any of them, or before the said Chief Remembrancer, or any Commissioner for taking Affidavits in said Court, and the same shall be thereupon transmitted to the said Secondary, who is hereby required to file the same among the Records of his Office, for which he shall be entitled to demand and have from such Sheriff or Under Sheriff the Sum of Five Shillings, and no more; and no Sheriff or Under Sheriff shall act as such until such Affidavit shall be lodged with such Secondary, on pain of Forfeiture for any Act so done a Sum of One hundred Pounds to any Person who shall sue for the same.

Oath of Office may be taken before a Baron, or the Remembrancer, or a Commissioner for taking Affidavits.

VI. And be it further enacted, That every Sheriff of any County, City, Liberty, Division, Town Corporate, or Place shall at the Expiration of his Office make out and deliver to the new or incoming Sheriff a true and correct List and Account under his Hand of all Prisoners in his Custody, and of all Writs and other Process in his Hands not wholly executed by him, with all such Particulars as shall be necessary to explain to the said incoming Sheriff the several Matters intended to be transferred to him, and shall thereupon turn over and transfer to the Care and Custody of the said incoming Sheriff all such Prisoners, Writs, and Process, and all Records, Books, and Matters appertaining to the said Office of Sheriff; and the said incoming Sheriff shall thereupon sign and give a Duplicate of such List and Account to the Sheriff going out of Office, to whom the same shall be a good and sufficient Discharge of and from all the Prisoners therein mentioned and transferred to the said incoming Sheriff, and the further Charge of the Execution

Outgoing Sheriff to give a List of Prisoners, Writs, &c. to his Successor.

cution of the Writs, Process, and other Matters therein contained, without any Writ of Discharge or other Writ whatsoever; and the said incoming Sheriff shall thereupon stand and be charged with the said Prisoners, and also with the Execution and Care of the said Writs, Process, and other Matters contained in the said List and Account, as fully and effectually as if the same Writs and Process had been turned over by Indenture and Schedule; and in case any Sheriff shall refuse or neglect at the Expiration of his Office to make out, sign, and deliver such List and Account as aforesaid, or shall make out an untrue or incorrect List or Account, or shall refuse or neglect to turn over the Process aforesaid in manner aforesaid, every such Sheriff so neglecting or refusing shall be liable to make such Satisfaction by Damages and Costs to the Party aggrieved as he, she, or they shall sustain by such Neglect or Refusal.

Accounts of Sheriffs to be audited by the Chief Remembrancer.

VII. And be it further enacted, That the Accounts of the present and future Sheriffs of Counties, Cities, and Towns within *Ireland* shall from and after the Commencement of this Act be examined and audited by the said Chief Remembrancer, who shall possess all such Power, Authority, and Jurisdiction in respect thereof as is now possessed by the said Court.

Sheriff to transmit Accounts to the Remembrancer.

VIII. And be it further enacted, That every the Person and Persons who now is or are or who hereafter shall be Sheriff or Sheriffs of any County, City, or Town within *Ireland*, or his or their Representatives, shall within Two Calendar Months next after the Expiration of his or their Office, or, in case of the Death of any Sheriff or Sheriffs, the Under Sheriff by him or them appointed, or the Representative of such Sheriff or Sheriffs, shall within Two Calendar Months next after the Death of such Sheriff or Sheriffs, make out and transmit to the said Remembrancer a just and true Account under his or their Hand or Hands of all Sums received by such Sheriff or Sheriffs to or for the Use of His Majesty, or with which he was or is chargeable, and of all Sums paid or claimed by him or them, or on his or their Behalf, with all such Particulars as shall be needful to explain the same: Provided always, that such Under Sheriff shall not be personally responsible for any Sum or Sums received by such deceased Sheriff, but that the same shall be answered by the Representatives of the said deceased Sheriff, or otherwise in due Course of Law.

Sheriff may make Oath to the Account before any Baron, &c.

IX. And be it further enacted, That in case it shall be necessary for any such Sheriff or Sheriffs, or his or their Under Sheriff, to make Oath or Affidavit to any such Account, or any Matter or Thing relating thereto, such Oath or Affidavit, except when the said Remembrancer shall require his or their personal Examination before him, shall and may be sworn before any of the Barons of the Court of Exchequer, or before the said Remembrancer, or before any Commissioner of the said Court of Exchequer for taking Affidavits therein.

Accounts to be declared by the Remembrancer in the Court of Exchequer.

X. Provided always, and be it further enacted, That the Accounts by this Act required to be audited by the said Remembrancer shall be declared and certified by him in the said Court, and he shall have Power to charge in such Account such Sum to such Sheriff as he shall appear to be properly chargeable with; and every Sheriff shall pay into the Receipt of His Majesty's Exchequer at *Dublin* the

the Balance due by him on such Account at such Time as shall be specified in such Rule or Order as the said Remembrancer shall make thereon; and the said Remembrancer shall thereupon, or as soon as conveniently may be, cause a Certificate thereof, in the Nature of a Quietus, to be made out and delivered to such Sheriff without Fee or Reward, which shall be equally valid and effectual as a Quietus to discharge the Accountant, and to all other Intents and Purposes.

XI. And be it further enacted, That the said Remembrancer shall cause to be made out and issued, according to the Practice of the said Court, and without Fee or Reward, Process for duly levying and enforcing of all such Fines, Issues, Amerciaments, Penalties, Forfeitures, Recognizances, and Deodands payable to His Majesty, His Heirs and Successors, (except as herein-after mentioned,) which shall not have theretofore been levied, recovered, vacated, or discharged, and so from Time to Time until the same shall be fully paid or levied, vacated or discharged.

Remembrancer to cause Process to issue for recovering Fines, &c.

XII. And be it further enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury, and he or they are hereby authorized, by Warrant under their Hands directed to the proper Officer or Officers, to stay the issuing or Execution of all or any of such Process as aforesaid, and to vacate and discharge such Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, or Deodands, or any of them, or any Part thereof: Provided that nothing in this Act contained shall extend to enable the Lord Treasurer or the Commissioners of His Majesty's Treasury to remit or restore any Fines, Issues, Amerciaments, Penalty, forfeited Recognizance, or Deodand to which any Body Corporate or Politic, Person or Persons, shall or may be entitled, which shall have been actually levied by or paid to them; and provided further, that nothing herein contained shall prevent the Lord Lieutenant or other Chief Governor or Governors of *Ireland* from remitting any Fine imposed on any Person or Persons as a Punishment for any Offence.

Treasury may stay Proceedings.

XIII. And be it further enacted, That all Bodies Corporate and Politic, and all and every other Person and Persons, having or claiming Title to any Fines, Issues, Amerciaments, Penalties, Forfeitures, Recognizances, Deodand, Sum or Sums of Money contained in any Account transmitted by virtue of this Act to the said Remembrancer, shall and may, by themselves, or their, his, or her Bailiff, Steward, or Agent, at all seasonable Times, have Access to the said Accounts, and take Minutes or Extracts therefrom.

Persons interested in Fines, &c. may examine Accounts.

XIV. And be it further enacted, That it shall be lawful for the Lord High Treasurer, or any Three or more of the Commissioners of His Majesty's Treasury, from Time to Time to order and direct Payment, by Warrant under his or their Hand or Hands, of the said Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, Deodands, Sum and Sums of Money, or any of them, to any Body Corporate or Politic, Person or Persons entitled to the same, or to their, his, or her Bailiff, Steward, or Agent: Provided always, that notwithstanding such Payment any Body Politic or Corporate, or Person or Persons aggrieved thereby, shall and may apply by Petition in the Manner herein-after mentioned against the Party or Parties to whom such Payment shall have been made, to restore or refund the Sum or Sums by him or them so received.

Treasury may direct Payments to Persons entitled.



If Treasury refuse, Application may be made to the Exchequer.

XV. Provided always, and be it further enacted, That in case the Commissioners of His Majesty's Treasury shall neglect, refuse, or decline to order the Payment of any Fines, Issues, Amerciaments, Penalties, forfeited Recognizances, Deodands, Sum or Sums of Money so claimed as aforesaid, or if any Party shall be aggrieved by any Order made by the said Commissioners, it shall be lawful for any such Body or Bodies Corporate or Politic, Person or Persons, to apply in a summary Way by Petition to the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer in *Ireland*, setting forth the Nature of the Claim or Title of the Petitioner or Petitioners, and thereupon the said Barons of His Majesty's Court of Exchequer shall and they are hereby authorized to proceed to call the proper Parties before them, and to hear and determine the Matter of the said Petition, and to give such Costs and to make such Order and Orders therein as they shall deem just.

Saving of Rights by Grant from the Crown.

XVI. Provided also, and be it further enacted, That nothing herein contained shall extend or be prejudicial to the Rights, Privileges, and Remedies of any Bodies Corporate or Politic, or of any Lord of any Manor, Liberty, or Franchise whatsoever, or of any Person or Persons claiming Title under and by virtue of any Grant from the Crown; any thing herein contained to the contrary notwithstanding.

Saving of Jurisdiction of Barons of the Exchequer.

XVII. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect the Power, Jurisdiction, or Authority of the Lord Chief Baron and the other Barons of His Majesty's Court of Exchequer in *Ireland*, as to the said Fines, Issues, Amerciaments, Penalties, Forfeitures, Recognizances, and Estreats, or any Process or Proceedings thereon.

Offices to be abolished.

XVIII. And be it further enacted, That the following Offices of the said Court of Exchequer in *Ireland* shall from and after the Commencement of this Act be and the same are hereby abolished; (that is to say,) the Offices of the Comptroller of the Pipe, Clerk of the Pipe, Summonister and Clerk of the Estreats, and Transcripitor and Foreign Apposer, and the Officer of Secondary in the Office of Lord Treasurer's Remembrancer.

Duties of Second Remembrancer in future to be performed in Person, and present Grant to cease.

XIX. ' And whereas the Office of Second or Lord Treasurer's Remembrancer of the said Court is at present held by Sir *Hugh Stewart* Baronet and *Mervyn Stewart* Esquire, and the Duties thereof are performed by Deputy; and it is expedient that the Duties of the said Office should in future be performed in Person; be it therefore enacted, That the Grant of the Office of Second or Lord Treasurer's Remembrancer made to the said Sir *Hugh Stewart* Baronet and *Mervyn Stewart* Esquire shall from and after the Commencement of this Act cease and determine; and that the Person to whom the said Office shall henceforth be granted shall perform the Duties thereof in Person, and be a Barrister at Law of Ten Years standing at the least, who shall have practised as such in His Majesty's Court at *Dublin* or *Westminster*, and such Person shall hold his Office during good Behaviour.

Compensation to be made to Persons deprived of their Offices.

XX. ' And whereas it is reasonable and fit that Compensation should be made to Persons deprived of their Offices, or of any lawful Fees and Emoluments, by virtue of this Act; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, by Warrant under his or their Hand or

Hands, to order or direct that such annual or other Compensation shall be made to the said Persons for such Loss as they will respectively sustain by reason of the Provisions of this Act as shall be just and reasonable; and such Compensation shall be issued and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided always, that an Account of all such Compensations shall within Fourteen Days next after the same shall be so granted be laid upon the Table of the House of Commons, if Parliament shall be then assembled, or if Parliament shall not be then assembled, within Fourteen Days after the Meeting of Parliament then next following.

XXI. And be it further enacted, That, for the better enabling of His Majesty's Treasury to form a correct Judgment of the Nature and Amount of the Compensations which it may be reasonable and proper to make to the said Officers whose Fees may be taken away or diminished as aforesaid, for the Loss thereof, it shall and may be lawful for the Commissioners of His Majesty's Treasury, if they shall think fit, from Time to Time to refer to the Barons of the said Court of Exchequer in *Ireland* to report their Opinion as to the Amount of such Compensation.

Claims for Compensation may be referred to the Barons.

XXII. And be it further enacted, That the several Records, Books, and other public Documents of and concerning the Duties and Business of the said Offices so abolished as aforesaid, and also of and concerning the said Office of Second Remembrancer of the said Court, shall, upon or immediately after the Commencement of this Act, be delivered by the several Officers or Persons having Custody of the same into the Hands and Care of the said Chief Remembrancer, to be by him preserved and kept, subject nevertheless to such Rules, Orders, and Regulations as the Chief Remembrancer, by and with the Approbation of the Lord Chief Baron and the other Barons of the said Court of Exchequer, and the Lord High Treasurer or any Three of the Commissioners of His Majesty's Treasury, shall or may from Time to Time ordain or make touching the same.

Records heretofore kept in abolished Offices to be delivered to the Chief Remembrancer.

XXIII. And be it further enacted, That from and after the Commencement of this Act all Process and other Proceedings, Estreats, Taxation of Costs, Matters and Things, usually issued, had, done, received, filed, recorded, returnable to or taken by the Officers whose Offices are hereby abolished, or any of them, or by the said Chief or Second Remembrancer, which shall from thenceforth be by Law required, or needful to be issued, done, had, received, filed, recorded, or taken, shall be issued, done, had, received, filed, recorded, returnable to, and taken by the said Chief Remembrancer, or by the Second Remembrancer, by and under his Direction, as fully and effectually, to all Intents, Constructions, or Purposes, as the same might or could have been issued, done, had, or taken by the said Officers, or the said Chief or Second Remembrancer, before the passing of this Act, subject nevertheless to all such Rules, Orders, and Regulations as shall or may be made from Time to Time for regulating or discontinuing the same by the said Chief Remembrancer, with the Approbation of the Lord Chief Baron and the other Barons of the Court, and which he is hereby authorized to make and ordain accordingly; and all Returns

Proceedings heretofore had in abolished Offices to be had in Chief Remembrancer's Office.

which now should be made of Fines and Estreats to any of such abolished Offices shall be made to the Office of such Chief Remembrancer in future.

Copies and  
Extracts may  
be taken.

XXIV. And be it further enacted, That Searches may be made, and Copies or Extracts of and from all Records, Books, and Documents in or which shall hereafter be in the Office of the Chief Remembrancer shall and may be had and taken, at such Times and in such Manner as the said Chief Remembrancer shall, by and with the Approbation of the said Lord Chief Baron and the other Barons of the said Court, direct; and all such Copies or Extracts, signed and authenticated by such Chief Remembrancer, or such Person or Persons as shall or may be appointed by the said Remembrancer for that Purpose, shall be available in Evidence, and as valid and effectual to all Intents and Purposes as the same would by Law have been if the same had been signed, authenticated, and given before the passing of this Act by the Officer having the Custody thereof.

Grants in  
custodiam for  
Debts to the  
Crown to be  
made on Appli-  
cation of Com-  
missioners of the  
Treasury, unless  
Cause shown  
to the contrary.

XXV. And be it enacted, That it shall be lawful for the Secondary of the said Chief Remembrancer, upon Application to him on behalf of the Lord High Treasurer or the Commissioners of His Majesty's Treasury in the Matter of any Debtor to His Majesty whose Debt shall be a Debt of Record in the said Court, and on the Certificate of the Attorney or Solicitor General for *Ireland* that such Debt is over due to the Crown, to enter a Rule in such Matter that a Custodiam be made to such Person as shall be named on behalf of the said Lord High Treasurer or Commissioners, in Trust for His Majesty, of the Lands, Tenements, and Hereditaments of such Debtor, to hold to such Trustee until such Debt be discharged, unless Cause to the contrary be shown to the said Chief Remembrancer at such Time as shall be appointed by such Rule for that Purpose; and upon Proof that a Copy of such Rule hath been served upon the Debtor, or left at his last Place of Residence, or that he hath absconded, or that his last Place of Residence cannot be discovered, and that such Rule or Order has been served in such Manner as the said Chief Remembrancer may have directed, it shall be lawful for the said Chief Remembrancer, at the Time appointed by the said Rule for that Purpose, to make the same absolute, or to allow any Cause shown against the same, in the whole or in part, or to make such further Order in the Matter as he shall deem just, and to confine the Grant in custodiam to so much of the Lands, Tenements, or Hereditaments of the Debtor as may be sufficient for securing a due and prompt Payment of the Debt; and he shall by every such Order direct that the Custodee shall come in and account before him at such Time or Times as he shall in every such Order direct; and every Grant in custodiam shall be made out by his said Secondary, and shall be signed and enrolled by him, and for which he shall receive a Fee of One Pound.

Duties of the  
Second Re-  
membrancer.

XXVI. And be it enacted, That it shall be the Office and Duty of the said Second Remembrancer to receive and report upon all such References as shall be made to him by the said Court in any Cause or Matter pending at the Equity Side thereof, and to do and perform such other ministerial Duties there as he shall be required to perform by any Order of the said Court, and he shall have

have Power to examine Witnesses upon Oath, and take Evidence *vivá voce*, or on written Interrogatories, or by Affidavit.

XXVII. And be it enacted, That the Examiner of the Chief Remembrancer shall be also Examiner of the said Second Remembrancer, and shall perform all such Duties and possess all such Rights and Powers as Examiner of the said Second Remembrancer as he now performs or possesses as Examiner of the Chief Remembrancer. Examiner.

XXVIII. And be it enacted, That it shall be lawful for any Person or Persons to whom any Grant in custodiam hath heretofore been made, in his or their own Right, or his or their Representatives or Assigns, to apply to the Court of Exchequer at the Equity Side thereof, by a Petition stating such Grant and his Rights under the same, for an Order for the Appointment of a Receiver over the Lands or other Property granted in custodiam to him, or to apply to the said Court or to the Court of Chancery, as the Case may be, by a like Petition, that any Receiver already appointed over the said Lands or Property, or any of them, be extended to the Matter of his said Petition; and such Court shall thereupon, in case it shall appear that any Sum is due on account of the Demand for which such Grant in custodiam was made, make an Order for appointing or extending a Receiver over the Whole or a competent Part of the Lands or Property granted in custodiam; and such Receiver shall be authorized to apply the Rents and Profits of the said Lands or Property to the Payment of the Debt for which such Grant in custodiam was made, and such other Charges upon the said Lands or Property, and in such Priority as the Court in which such Receiver is appointed may direct. Receiver may be appointed of Lands heretofore granted in custodiam on Petition to Court of the Grantee.

XXIX. Provided always, and be it enacted, That every such Petition shall be on the filing thereof verified by Affidavit, in which the Person claiming the Benefit of the said Grant in custodiam shall state the Sum due upon or under such Grant for Principal, Interest, and Costs, after all just and fair Allowances whatsoever; and the Court shall, notwithstanding such Statement, on the Application of any Person interested in the Lands granted in custodiam, make an Order referring it to the proper Officers of the Court to take an Account of what is due to the Custodee for Principal, Interest, and Costs, charging him with all Sums which shall have been received, or which, without wilful Default or Neglect, might have been received, under or by virtue of the said Grant in custodiam; and if any such Custodee, or his Representatives or Assigns, shall neglect to present such Petition before the Twelfth Day of *February* next, for the Appointment of a Receiver, or to have a Receiver already appointed extended to the Matter of his Petition, or to verify such Petition, and procure an Order thereon as aforesaid, then and in every such Case the Grant in custodiam of such Custodee shall thenceforth cease and be dissolved, and the Lands or other Property extended shall be discharged from the same; provided however, that it shall be lawful for the said Court of Exchequer, if it shall think fit, to extend for a further Period of Three Months the Time for presenting such Petition or obtaining such Order, upon a special Application for that Purpose made. Contents of such Petition, and Proceedings thereon.

XXX. And be it enacted, That from and after the pronouncing of any absolute Order for appointing or extending a Receiver in the After Appointment of Receiver in Matter  
Matter

of Petition founded on Grant in custodiam, further Proceedings in custodiam to be stayed.

Providing for Continuance of Receiver appointed by the Court of Exchequer.

In future all Grants in custodiam to be made only in Trust for His Majesty ; Receiver may be appointed, on Judgment or Recognizance, over so much of the Debtor's Lands as the Court shall direct.

Matter of a Petition founded on a Grant in custodiam obtained before the passing of this Act all further Proceedings in such Custodiam shall be stayed, but the Court of Exchequer shall have Power to make such Order in such Custodiam Matter, for enforcing the Payment of any Rent due out of the Lands granted in custodiam at the passing of this Act, or the enforcing of any Attachment theretofore awarded, or any Order theretofore made in such Custodiam Matter, as fully as if this Act had not been passed ; and every Person who shall at the Time of the passing of this Act hold any Lands under a Letting made in such Custodiam Matter shall be entitled to hold the same for the Residue of his Term as if this Act had not been passed, but not further or otherwise ; and the Recognizance of such Tenant and his Sureties shall continue and be valid and binding on them respectively, and be, if necessary, put in Suit, and the Rent payable by such Tenant and not actually paid to the Custodee shall be paid to such Receiver, and the Rights of every Person who at the Time of passing this Act shall be a Party in any Suit then pending in a Court of Equity in consequence of a Grant in custodiam theretofore made, or of the Representative of a Person so made a Party in a Suit then pending, shall be determined as it would be if this Act had not been made : Provided, and be it enacted, that in any Case in which a Receiver has been appointed by the Court of Exchequer in any Custodiam Matter, any Person interested in the Continuance of such Receiver shall be at liberty to present a Petition stating that Fact, and thereupon the Court shall make an Order declaring that such Receiver shall be continued in the Matter of such Petition, and the Recognizances of such Receiver and his Sureties shall be considered valid and binding on them as if they were entered into in the Matter of such Petition, and all such Proceedings shall be had in such Matter as would under this Act be had in case a Receiver was for the first Time appointed or extended under the Provisions hereof.

XXXI. And be it enacted, That from and after the Commencement of this Act no Grant in custodiam for Recovery of any Debt or Demand shall be made, save in Trust for His Majesty, and for a Debt due to the Crown, and certified to be so by the Attorney or Solicitor General for *Ireland* ; and it shall be lawful for any Person entitled to sue out or who has already sued out a Writ of Elegit upon any Judgment recovered in any of His Majesty's Courts at *Dublin*, or to issue or who has issued Execution in any Suit or Proceeding on any Recognizance there, to apply by Petition to the Court of Chancery or to the Court of Exchequer at the Equity Side thereof for an Order that a Receiver may be appointed of the Rents and Profits of the entire and not of a Moiety only of all Lands, Tenements, or Hereditaments which he would be entitled to have extended or appraised under a Writ of Elegit, or extended, seized, or taken under a Writ of *Levari facias*, or other Proceeding, on such Recognizance, or to have a Receiver thereof appointed by that Court extended to that Matter ; and it shall be lawful for the Court to appoint or extend a Receiver accordingly over the whole thereof, or over so much thereof as shall appear to it sufficient for the Purposes of paying the Sum due on such Judgment or Recognizance ; and every such Petition shall state the Judgment or Recognizance, and the Sum due thereon, and shall be verified by the Affidavit of the

the Person interested, or such other Affidavit as the Court shall direct, stating the Sum due for Principal, Interest, and Costs, over and above all just and fair Allowances; and it shall be lawful for the said Court to require Proof by the Affidavit of the Party applying for such Order, or by such other Affidavit or Affidavits or Evidence as it shall require, of the Particulars and annual Rental or Value of the Lands over which such Receiver shall be sought.

XXXII. And be it enacted, That every Receiver so to be appointed as aforesaid shall apply all Sums which he shall receive as such according to such Order or Orders as the Court shall make for that Purpose; and that it shall be lawful for the Court to extend the Receiver from the Matter of the Petition of one Creditor to the Matter of the Petition of any other or others, and to order the Rents and Profits to be applied according to the Priority of each, as ascertained by the Date of the Entry of the Judgment or Enrolment of the Recognizance; and that no Proceeding in the Matter of any Petition under this Act shall determine by the Death of any of the Parties in such Matter, but the Court in which such Petition may have been filed shall and may, on a Motion for that Purpose made by or on behalf of any Person interested in such Proceeding, and on its appearing that any of such Parties has died, make an Order for continuing such Proceedings for and in the Name of or against the real or personal Representative or Representatives, or the Assignee or Assignees of such deceased Party, or the Person or Persons in whom the Interest of the deceased Party has become vested, or who claim the same, unless good Cause shall be shown to the contrary within some Time to be specified in such Order, and give such Direction for the Service of such Order on the Parties named therein as to the Court shall seem meet, and shall and may make the same absolute, or discharge or vary such Order, on its appearing that such Order was duly served, and on hearing what may be offered on behalf of the Person so served.

Receiver to apply Rents as Court shall direct.

XXXIII. And be it enacted, That in every Order made for the Appointment of a Receiver as aforesaid the Tenants shall be required to pay him all Rents due or which shall become due by them for or in respect of the Lands mentioned in such Order; and every such Order shall require the Receiver to enter into Security, by himself and Two Sureties, to such Amount as shall be therein specified, and such further Security as the Court shall from Time to Time direct, for the due Performance of his Duties; and every such Security shall be given by Recognizance, and such Recognizance may be acknowledged either before the Court or any Judge or Master thereof, or any Master Extraordinary or Commissioner authorized to take Affidavits or to take Special Bail therein, and shall be enrolled in such Court; and such Order shall not be served on the Tenants, nor shall such Receiver receive any of the Rents, until such Recognizance shall be enrolled; and the Recognizance of the Receiver and his Sureties shall not be discharged or affected in consequence of such Receiver being extended to any other Matter.

Tenants to pay Rents to Receiver.

XXXIV. And be it enacted, That every Receiver to be appointed as aforesaid shall account once in every Year, and as often as the Court shall direct; and the Court in which he is appointed or acting shall exercise all Power, Authority, and Jurisdiction over him, and in the Matter in which he shall be appointed, which it might exercise if he were appointed in a Cause pending there.

Receiver to account.

XXXV. And

Persons neglecting to call Receiver to account to be chargeable with the Loss.

XXXV. And be it enacted, That if any Receiver shall neglect to account as aforesaid, and the Person for whose Benefit he shall have been appointed or continued shall neglect to take the necessary Proceedings for compelling him so to do, every such Person shall be chargeable with any Loss which may be sustained by any Default or Neglect of such Receiver: Provided always, that it shall not only be lawful for the Party at whose Suit he shall have been appointed, but also for any other Party interested in the Matter, to apply to the Court that he may be compelled to account.

Judgment to be satisfied when Debt is paid.

XXXVI. And be it enacted, That so soon as the Debt due on Foot of any Judgment or Recognizance shall have been paid off as aforesaid or as it shall appear to the Court that it might have been paid off if it were not for the Default or Neglect of the Person entitled thereto, it shall be lawful for the Court to direct Satisfaction to be entered thereon, or that it shall be assigned as the Court shall direct, and thereupon, or so soon as every Judgment or Recognizance for recovering which the Receiver shall have been extended shall be satisfied, he shall be discharged.

Priorities to be determined without reference to any Inquisition.

XXXVII. And be it enacted, That in determining the Priority of the Demands of Creditors the Court in which any Question respecting such Priority shall arise shall not give to the Demand of any Creditor Priority over the Demand of another in consequence of his having obtained an Inquisition on an Outlawry or other Proceeding taken by him, but shall determine such Priority as if no such Inquisition was had; and every Creditor who shall obtain an Order for the Appointment of a Receiver under the Provisions of this Act shall be considered to be a Creditor who has issued and executed an Execution on his Judgment or Recognizance from the Date of such Order, and so as not to be affected by the Bankruptcy of his Debtor, further or otherwise than he would be if his Debtor became bankrupt after Execution executed.

Monies received by Receivers to be applied under the Orders of the Court.

XXXVIII. And be it enacted, That in case any Sum shall be received by any such Receiver before an Order shall be made to extend him to the Matter of another Petition, the Money so received by him shall be distributed and paid, under the Orders of the Court, as it would have been if such further Order extending him had not been made, but in distributing the Funds thereafter to be received the Court shall have Regard to the Rights of the Person or Persons at whose Instance the Order extending the Receiver was made; and the Court shall have Power, if it shall think fit, to direct in any Case that the Costs incurred by the Person at whose Instance the Receiver was first appointed in procuring such Appointment be paid out of the Funds collected by the Receiver, without regard to the Priority of the Person on whose Application such Receiver was appointed.

Treasury authorized to refer Public Accounts to Chief Remembrancer.

XXXIX. ' And whereas it is expedient to alter and amend an Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act for transferring the Powers and Duties of the Commissioners of Public Accounts in Ireland to the Commissioners for auditing the Public Accounts of Great Britain*; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or any Three or more of the Commissioners of His Majesty's Treasury, and he and they are hereby authorized, in all Cases in which he or they shall think fit, to refer it to the said Chief Remembrancer of the Court of Exchequer in Ireland to

inquire into the Matter of any Account or into any Question arising upon any Account of any Person, Body Corporate, or Board intrusted with the Care or Application of any Public Money in *Ireland*, and to report to the said Lord High Treasurer or the Commissioners of His Majesty's Treasury his Opinion thereupon; and the said Remembrancer is hereby required to inquire and report accordingly.

XL. And be it enacted, That it shall be lawful for the said Chief Remembrancer in proceeding such Reference as aforesaid, or upon any of the Matters herein-before mentioned, to examine all such Parties and Persons as he shall deem proper upon Oath, and to take Evidence *vivá voce*, or by Affidavit, or upon written Interrogatories, to be exhibited by his Examiner or any Commissioner to be by him appointed for that Purpose, and to issue Process to compel the Attendance and Examination of Parties and Witnesses, and the Production of Books, Papers, or Writings, before him, or such Commissioner or Examiner as aforesaid, and to that end to exercise all Powers vested for such Purposes in the said Court.

Chief Remembrancer may take Evidence *vivá voce* or by Affidavit.

XLI. And be it enacted, That every Order made by the said Chief Remembrancer in proceeding upon any of the Matters aforesaid shall be entered by his Secondary, and shall be deemed and taken to be an Order of the said Court, and shall be executed as such: Provided always, that every such Order may be reversed, varied, or altered by the Chief Baron and the other Barons of the said Court, upon Motion or Petition, provided that such Motion or Petition be made or presented within the Term ensuing the Time at which the Party complaining shall have Notice of the Order complained of, and otherwise that such Order shall be final and conclusive.

Order of Chief Remembrancer to be Order of the Court, but may be reversed, varied, or altered by the Barons.

XLII. And be it further enacted, That such Fees as are specified in the Second Schedule to this Act annexed, and as shall be ordained and authorized by any Order or Orders to be for that Purpose made by the said Court of Exchequer, and no other, shall be taken by the said Second Remembrancer; and it shall and may be lawful for the Lord Chief Baron of the said Court, and the Lord High Treasurer or any Three or more of the Commissioners of the Treasury for the Time being, and they are hereby required, by some Writing under their respective Hands, to ascertain for and allow to the said Second Remembrancer such annual Salary thereout as to them shall seem reasonable; and such Salary shall be paid and payable to him quarterly, (that is to say,) on every Fifth Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and Fifth Day of *October* in every Year; and he shall keep One or more Book or Books, and shall cause all Fees by him received to be duly and regularly entered therein, and shall submit the same to the Inspection of the said Lord Chief Baron and of the said Lord High Treasurer or Commissioners of the Treasury, or such Person as they shall appoint for that Purpose, whenever he shall be thereto required; and shall also within One Week after each of the Quarter Days aforesaid render a true and faithful Account in Writing (to be verified on Oath if required) to the Lord High Treasurer or Commissioners of the Treasury for the Time being of all Fees by him received and retained in the Quarter immediately preceding the rendering of such Account; and shall also within the same Period

Fees for Second Remembrancer.



Period pay over the Balance of such Account (if any) into the Receipt of His Majesty's Exchequer at *Dublin*: Provided always, that if upon the Examination of any such Account it shall appear to the said Lord High Treasurer or Commissioners aforesaid that any unreasonable or improper Charge or Deduction has been made therein, the same shall be disallowed by the Treasurer or Commissioner; and the Amount of all and every Sum of Money so disallowed shall, within Ten Days after such Disallowance thereof shall be notified to the said Second Remembrancer, and be paid by him into the said Receipt of His Majesty's Exchequer; and the said Treasurer or Commissioners shall cause Copies of all such Accounts to be laid before each House of Parliament at the Commencement of the Session of Parliament next after the rendering thereof; and all Sums so paid into the Receipt of the Exchequer shall be carried to the Credit of the Consolidated Fund, a separate Account being kept thereof: Provided also, that the said Second Schedule and every thing therein contained shall be deemed and be Part of this Act.

Officers of the Equity Side of the Exchequer disqualified to sit in Parliament.

XLIII. And whereas by an Act passed in the Fourth Year of His late Majesty it is enacted, that the said Chief Remembrancer and every other Officer of the Equity Side of the Court of Exchequer in *Ireland* shall respectively execute the Duties of his Office in Person, except only in case of Sickness or necessary Absence; be it therefore enacted, That no Person holding the said Office of Chief Remembrancer or the said Office of Second Remembrancer, or any other Officer on the Equity or Review Side of the said Court of Exchequer, shall be capable of being elected or of sitting or voting as a Member of the House of Commons.

Elections of such Persons to Parliament void.

XLIV. And be it further enacted, That if any Person holding any of the said Offices shall be returned as a Member to serve in Parliament such Election and Return are hereby declared to be void; and if any Person so declared incapable of being elected and so returned shall presume to sit or vote as a Member of the House of Commons, every such Person so sitting and voting shall thenceforth be incapable of taking, holding, or enjoying any Office of Honour or Profit under His Majesty, His Heirs and Successors, and shall forfeit the Sum of Five hundred Pounds for every Day in which he shall sit or vote in the said House of Commons to such Person or Persons as shall sue for the same in any of His Majesty's Courts of *Westminster*; and the Money so forfeited shall be recovered by the Person or Persons so suing, with full Costs of Suit, in any of the said Courts, by Action of Debt, Bill, Plaint, or Information, in which no Essoign, Privilege, Protection, or Wager of Law shall be allowed, and only One Impar lance.

Commencement of Act.

XLV. And be it further enacted, That this Act shall commence and take effect from the First Day of *November* One thousand eight hundred and thirty-five.

## SCHEDULES to which this Act refers.

### FIRST SCHEDULE.

BY the LORD LIEUTENANT GENERAL and GENERAL GOVERNOR of IRELAND.

To *A. B.* of *&c.*

WHEREAS We have been pleased to nominate and appoint you for and to be Sheriff of the County of *&c.* during His Majesty's

Majesty's Pleasure: These are therefore to require you to take the Custody and Charge of the said County, and duly to perform the Duties of Sheriff thereof during His Majesty's Pleasure, and whereof you are duly to answer according to Law.

Dated this                      Day of                      One thousand eight hundred and

By His Excellency's Command,

C. D.

[When the Appointment shall be by any other or others than the Lord Lieutenant the Form shall be altered accordingly.]

## SECOND SCHEDULE.

A TABLE of all FEES which it shall be lawful for the Second Remembrancer of the Court of Exchequer in Ireland to accept for Acts done by him, and which shall be in lieu of any Fees or Stamp Duties which would otherwise become or be payable thereupon.

SUMMONS.—On every Summons which shall actually issue on a Reference or any other Proceedings	£	s.	d.
	0	13	0
CERTIFICATES.—On every Certificate, except Certificates at the Foot of Bills of Costs	-	-	-
	0	6	6
On every Certificate at the Foot of any Bill of Costs			
Where the Amount, as furnished or claimed by such Bill, shall not exceed the Sum of £50	-	-	-
	0	10	6
Where such Amount shall exceed the Sum of £50, for every Sum of £10 or fractional Part of £10 above £50, an additional Sum of	-	-	-
	0	3	0
RECOGNIZANCE.—Any Recognizance taken or acknowledged, for each Cognizor	-	-	-
	0	6	6
REPORTS.—Any Report under Interlocutory Order	-	1	1
Under Decretal Order pronounced in a short Cause	-	-	-
	2	2	0
Under Decretal Order pronounced in a long Cause	-	-	-
	3	3	0
NOTICES.—Any Notice, Advertisement, or Posting to sell Lands pursuant to any Decree, or to set Lands pursuant to any Order or Decree	-	1	1
	0	0	0
LEASES and DEEDS.—Any Lease, and any Counterpart thereof, where the usual printed Form will suffice	0	5	0
Any other Deed where the usual printed Form will suffice	-	-	-
	0	10	0
Any Lease, and any Counterpart thereof, where the Contract is of so special a Nature that a special Conveyance shall be prepared and engrossed	-	-	-
	1	1	0
Any other Contract of such special Nature	-	2	2
	0	0	0
Any Deed executed in the Name of any Party in a Cause refusing or declining to execute such Deed, or residing out of the Jurisdiction of the Court, for each Person so declining or refusing, or residing beyond such Jurisdiction	-	-	-
	0	5	0
			Any

Any Deed of any other Sort	-	-	2	2	0
For signing any Answer as Guardian of any					
Minor or infirm Person	-	-	0	10	6
Any Approbation for the Sale or Transfer of					
Stock	-	-	0	10	6
Any Petition signed and approved of as Guar-					
dian of any Minor or other Person	-	-	0	6	6

CAP. LVI.

An Act to regulate the Admeasurement of the Tonnage and Burthen of the Merchant Shipping of the United Kingdom. [9th September 1835.]

*5th Dec 39  
repealed by  
8th Dec 84.*

3 & 4 W. 4. c. 55.

WHEREAS by an Act passed in the Third and Fourth Years of the Reign of His present Majesty, for the registering of *British* Vessels, certain Rules are established for ascertaining the Tonnage of Ships as well on shore as afloat, and of Vessels propelled by Steam; and the Account of such Tonnage, whenever the same shall have been ascertained according to the Rules therein prescribed (except in the Case of Ships admeasured afloat); it is thereby enacted shall be deemed the Tonnage of such Ships, and shall be repeated in every subsequent Registry of such Ships, unless any Alteration shall have been made in their Form and Burthen, or unless it be discovered that the Tonnage had been erroneously computed: And whereas it is considered that the Capacity of a Ship is the fairest Standard by which to regulate its Tonnage, that internal Measurements will afford the most accurate and convenient Method of ascertaining that Capacity, and that the Adoption of such a Mode of Admeasurement will tend to the Interests of the Ship Builder and the Owner, as well as to the proper Collection of the Dues which by Law are payable on Tonnage; and it is expedient to alter and amend the Law in this respect: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Commencement of this Act so much of the said recited Act as establishes Rules for ascertaining the Tonnage of Ships shall be and the same is hereby repealed so far as respects the Merchant Shipping of the United Kingdom to be thereafter registered.

Rules established by recited Act for ascertaining Tonnage repealed.

The Rule by which Tonnage of Vessels is to be ascertained.

II. And be it further enacted, That from and after the Commencement of this Act the Tonnage of every Ship or Vessel required by Law to be registered shall, previous to her being registered, be measured and ascertained while her Hold is clear, and according to the following Rule; (that is to say,) Divide the Length of the Upper Deck between the Afterpart of the Stem and the Forepart of the Stern-post into Six equal Parts. Depths: At the foremost, the middle, and the aftermost of those Points of Division, measure in Feet and Decimal Parts of a Foot the Depths from the under Side of the Upper Deck to the Ceiling at the Limber Strake. In the Case of a Break in the Upper Deck, the Depths are to be measured from a Line stretched in a Continuation of the Deck. Breadths: Divide each of those Three Depths into Five equal Parts, and measure

*Specimen by  
8th Dec 39  
7th Dec 84*

sure

sure the Inside Breadths at the following Points; *videlicet*, at One Fifth and at Four Fifths from the Upper Deck of the foremost and aftermost Depths, and at Two Fifths and Four Fifths from the Upper Deck of the midship Depth. Length: At Half the midship Depth measure the Length of the Vessel from the Afterpart of the Stem to the Forepart of the Stern-post; then to Twice the midship Depth add the foremost and the aftermost Depths for the Sum of the Depths; add together the upper and lower Breadths at the foremost Division, Three Times the upper Breadth, and the lower Breadth at the midship Division, and the upper and Twice the lower Breadth at the after Division, for the Sum of the Breadths; then multiply the Sum of the Depths by the Sum of the Breadths, and this Product by the Length, and divide the final Product by Three thousand five hundred, which will give the Number of Tons for Register. If the Vessel have a Poop or Half Deck, or a Break in the Upper Deck, measure the Inside Mean Length, Breadth, and Height of such Part thereof as may be included within the Bulk-head; multiply these Three Measurements together, and dividing the Product by 92·4, the Quotient will be the Number of Tons to be added to the Result as above found. In order to ascertain the Tonnage of open Vessels, the Depths are to be measured from the upper Edge of the upper Strake.

III. And be it further enacted, That the Tonnage or Burthen of every Ship belonging to the United Kingdom, ascertained in the Manner herein-before directed, shall, in respect of any such Ship which shall be registered after the Commencement of this Act (except as herein-after excepted), be inserted in the Certificate of the Registry thereof, and be taken and deemed to be the Tonnage or Burthen thereof for all the Purposes of the said recited Act.

Tonnage, when ascertained, to be entered on Register.

IV. Provided always, and be it further enacted, That in each of the several Rules herein-before prescribed, when applied for the Purpose of ascertaining the Tonnage of any Ship or Vessel propelled by Steam, the Tonnage due to the Cubical Contents of the Engine Room shall be deducted from the Total Tonnage of the Vessel as determined by either of the Rules aforesaid, and the Remainder shall be deemed the true Register Tonnage of the said Ship or Vessel. The Tonnage due to the Cubical Contents of the Engine Room shall be determined in the following Manner; that is to say, measure the Inside Length of the Engine Room in Feet and Decimal Parts of a Foot from the foremost to the aftermost Bulk-head, then multiply the said Length by the Depth of the Ship or Vessel at the midship Division as aforesaid, and the Product by the Inside Breadth at the same Division at Two Fifths of the Depth from the Deck taken as aforesaid, and divide the last Product by 92·4, and the Quotient shall be deemed the Tonnage due to the Cubical Contents of the Engine Room.

Mode of ascertaining Tonnage of Steam Vessels.

V. Provided always, and be it further enacted, That the Tonnage due to the Cubical Contents of the Engine Room and also the Length of the Engine Room shall be set forth in the Certificate of Registry as Part of the Description of the Ship or Vessel, and that any Alteration of such Tonnage due to the Cubical Contents of the Engine Room or of such Length of the Engine Room, after Registry, shall be deemed to be an Alteration requiring Registry *de novo* within the Meaning of the said Act for the registering of Ships or Vessels.

Length and Cubical Contents of Engine Room to be set forth in Description of Steam Vessel.

VI. And

For ascertaining  
Tonnage of  
Vessels when  
laden.

VI. And be it further enacted, That for the Purpose of ascertaining the Tonnage of all such Ships, whether belonging to the United Kingdom or otherwise, as there shall be Occasion to measure while their Cargoes are on board, the following Rule shall be observed and is hereby established; (that is to say,) Measure, first, the Length on the Upper Deck between the Afterpart of the Stem and the Forepart of the Stern-post; secondly, the Inside Breadth on the Underside of the Upper Deck at the middle Point of the Length; and, thirdly, the Depth from the Underside of the Upper Deck down the Pump-well to the Skin; multiply these Three Dimensions together, and divide the Product by One hundred and thirty, and the Quotient will be the Amount of the Register Tonnage of such Ships.

Amount of  
Register Ton-  
nage to be  
carved on Main  
Beam.

VII. And be it further enacted, That the true Amount of the Register Tonnage of every Merchant Ship or Vessel belonging to the United Kingdom, to be ascertained according to the Rule by this Act established in respect of such Ships, shall be deeply carved or cut in Figures of at least Three Inches in Length on the Main Beam of every such Ship or Vessel, prior to her being registered.

Not to alter  
Tonnage of  
Vessels already  
registered.

VIII. Provided always, and be it further enacted, That nothing herein contained shall extend to alter the present Measure of Tonnage of any Ship or Vessel which shall have been registered prior to the Commencement of this Act, unless in Cases where the Owners of any such Ships shall require to have their Tonnage established according to the Rule herein-before provided, or unless there shall be Occasion to have any such Ship admeasured again on account of any Alteration which shall have been made in the Form or Burthen of the same, in which Cases only such Ships shall be re-admeasured according to the said Rule, and their Tonnage registered accordingly.

Commencement  
of Act.

IX. And be it further enacted, That this Act shall commence and take effect upon and from the First Day of *January* One thousand eight hundred and thirty-six.

Act may be  
altered this  
Session.

X. And be it further enacted, That this Act may be altered, amended, or repealed by any Act or Acts to be passed in the present Session of Parliament.

## CAP. LVII.

An Act to extend to *Scotland* certain Provisions of an Act of the Ninth Year of His late Majesty, to consolidate and amend the Laws relating to Savings Banks; and to consolidate and amend the Laws relating to Savings Banks in *Scotland*. [9th September 1835.]

‘WHEREAS it is expedient to repeal the Law relative to Savings Banks in *Scotland*, and to make other Provisions respecting Savings Banks in *Scotland*;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Clauses and Provisions of a certain Act made and passed in the Ninth Year of the Reign of His late Majesty, intituled *An Act to consolidate and amend the Laws relating to Savings Banks*, and also of a certain other Act made and passed in the Third Year of the Reign of His present Majesty, intituled *An Act to enable Depositors in Savings Banks and others to purchase Government*

Provisions of  
9 G. 4. c. 92.  
& 3 W. 4. c. 14.  
extended to  
*Scotland*.

vernment Annuities through the Medium of Savings Banks; and to amend an Act of the Ninth Year of His late Majesty, to consolidate and amend the Laws relating to Savings Banks, shall from and after the passing of this Act extend to Scotland.

II. And be it further enacted, That the Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled *An Act for the Protection of Banks for Savings in Scotland*, shall, so far as the same is applicable to any Savings Bank hereafter to be formed and established in Scotland from and after the passing of this Act, be repealed: Provided nevertheless, that the Provisions of the said last-mentioned Act shall continue in force as to all Savings Banks established under it before the passing of this Act unless and until they shall conform to and be established under the Provisions of the said Acts of the Ninth Year of His late Majesty and the Third Year of His present Majesty.

59 G. 3. c. 62.  
in part repealed,  
except as to  
Banks already  
established.

III. And be it further enacted, That it shall be competent to the Trustees, Managers, or Directors, or other Persons legally intrusted with the Management of any Savings Bank already established in Scotland under the Authority of the Act hereby repealed, or to the major Part of them assembled at any General Meeting to be convened according to the respective Rules and Regulations of such Savings Banks, to establish such Savings Banks under the said last-mentioned Acts by preparing, enrolling, and depositing the Rules and Regulations thereof, in conformity to Law and with the Provisions of the said last-mentioned Acts, and such Savings Bank shall thereafter be deemed and taken to be established under the Provisions in the said last-mentioned Acts to all Intents and Purposes.

Existing Banks  
may conform to  
the last-men-  
tioned Acts in  
preparing and  
depositing their  
Rules.

IV. And be it enacted, That where the said recited Act or Acts provide for Payments made to any of the Relations of any deceased intestate Depositor according to the Statute of Distributions, the Provisions thereof shall be held to apply to Payments made to Persons appearing to be next of Kin according to the Law of Scotland; and that where the said recited Act or Acts refer to Probate of the Will of the deceased, or Letters of Administration of his or her Estate and Effects, and provide that they shall or shall not be received in the Cases therein provided, the said Provisions in the said recited Act or Acts shall be held to apply to Confirmation by the Law of Scotland, and the same shall be required or dispensed with as therein provided.

Application of  
the Law of  
Scotland in  
peculiar Cases.

V. And be it further enacted, That this Act shall extend to all Savings Banks hereafter to be established in Scotland, and also to all Savings Banks already established in Scotland, as soon as they shall have been established under the Provisions thereof, and be deemed a Public Act, and be judicially taken notice of as such by all Judges, Justices, and other Persons whomsoever, without the same being specially shown or pleaded.

Act to extend  
to Scotland, and  
to be deemed a  
Public Act.

## CAP. LVIII.

An Act to amend the Acts relating to the Hereditary Land Revenues of the Crown in Scotland.

[9th September 1835.]

‘ WHEREAS an Act passed in the Sixth Year of the Reign  
‘ of His late Majesty King George the Fourth, intituled *An*  
‘ *Act to extend the Provisions of an Act of the Fifty-ninth Year of*  
[No. 23. Price 2d.] Z His

6 G. 4. c. 17.

10 G. 4. c. 50. ' *His late Majesty concerning the Disposition of certain Real and Personal Property of His Majesty, His Heirs and Successors:*  
 ' And whereas an Act passed in the Tenth Year of the Reign of  
 ' His late Majesty King George the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in England; and of the Land Revenue of the Crown in Ireland; and for extending certain Provisions relating to the same to the Isles of Man and Alderney:* And whereas an Act passed in the  
 2 W. 4. c. 1. ' Second Year of the Reign of His present Majesty, intituled *An Act for uniting the Office of the Surveyor General of His Majesty's Works and Public Buildings with the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues; and for other Purposes relating to the Land Revenues:* And whereas an  
 2 & 3 W. 4. c. 112. ' Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act to authorize the Hereditary Land Revenues of the Crown in Scotland being placed under the Management of the Commissioners of the Land Revenues:* And whereas an  
 3 & 4 W. 4. c. 69. ' Act passed in the Third and Fourth Year of His present Majesty, intituled *An Act to extend and enlarge the Powers of the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings in relation to the Management and Disposition of the Land Revenue of the Crown in Scotland:* And whereas Doubts have arisen, in consequence of the said Acts, as to the Powers and Authorities of the Commissioners of His Majesty's Treasury in relation to the Recovery, Management, Superintendence, and Disposition of the Interests of His Majesty, His Heirs and Successors, in right of His Crown, as ultimus Hæres, and in Cases of Bastardy, in *Scotland*; and it is expedient that such Doubts should be removed: Be it therefore declared and enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Powers and Authorities for the ascertaining and recovering, and for the Management, Superintendence, and Care of all Rights and Interests of His Majesty, His Heirs and Successors, in right of His Crown, in *Scotland*, as ultimus Hæres, or in Cases of Bastardy, or by reason of any Forfeiture whatsoever, shall be and are hereby declared to be vested in the Lord High Treasurer or the Commissioners of His Majesty's Treasury, or any Three or more of them, for the Time being, in the same Manner and to the same Extent as such Powers and Authorities were vested in the Lord High Treasurer or the Commissioners of the Treasury for the Time being prior to the passing of any of the said recited Acts; any thing in the said Acts or either of them to the contrary notwithstanding.

Powers to be vested in the Lord High Treasurer or the Commissioners of the Treasury.

All former Acts of Commissioners of the Treasury to be valid.

II. And be it further declared and enacted, That all Grants heretofore made, and all Acts, Matters, and Things done, by the Commissioners of His Majesty's Treasury, or any Three or more of them, in relation to any such Rights and Interests in *Scotland*, since the passing of the said recited Acts of the Second and Third Years and of the Third and Fourth Years of the Reign of His present Majesty, in exercise of the Powers and Authorities vested in them by Law or Usage prior to the passing of any of the said Acts, shall be and

are hereby declared to be good, valid, and effectual to all Intents and Purposes, any thing in the said recited Acts or either of them, or of any other Act or Acts of Parliament, to the contrary notwithstanding.

III. ' And whereas the said last-recited Act does not enable His Majesty to grant any Land or Building, Part of the Possessions and Land Revenues of the Crown in *Scotland*, for the Purposes specified in the said recited Act of the Tenth Year of the Reign of His late Majesty King *George* the Fourth with respect to the Possessions and Land Revenues of the Crown to which that Act relates; and it is desirable that His Majesty, His Heirs and Successors, should be at liberty to grant any Lands or Hereditaments, Part of the Possessions and Land Revenues of the Crown in *Scotland*, for any of the Purposes herein mentioned, whenever He or They shall be graciously pleased so to do; ' be it therefore enacted, That the King's Majesty, His Heirs and Successors, shall at any Time hereafter have full Power and Authority, out of the Possessions and Land Revenues of the Crown in *Scotland*, to give and grant to and vest in any Body Politic or Corporate, or any Person or Persons whomsoever, and their Heirs and Successors respectively, for such Estate or Interest therein as to His Majesty, His Heirs and Successors, shall seem meet, any Building proper to be used as or converted into, or any Ground proper for the Site of, any Church or Chapel, with or without a Cemetery or Burial Ground thereto, or any Ground proper for a Cemetery or Burial Ground to any Church or Chapel, and any House with its Appurtenances, and with or without a Garden thereto, proper for the Residence of the Spiritual Person who may serve such Church or Chapel, or any Ground proper for the Site or Sites of any such Residence, or of any Parochial or District School, with or without a Garden thereto, any thing in the said Act of the Third and Fourth Years of the Reign of His present Majesty, or any other Law or Statute, to the contrary in anywise notwithstanding; and such Body or Bodies Politic or Corporate, or Person or Persons, and their Heirs, Successors, Executors, or Administrators, shall have full Capacity and Ability to take, hold, and enjoy the same; and whenever it shall be the Pleasure of His Majesty, His Heirs or Successors, to make a Grant for any of the Purposes aforesaid, it shall be lawful for the Lord High Treasurer, or the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, to issue a Warrant under his or their Hand or Hands to any such Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, which Warrant shall be exempt from any Stamp Duty whatsoever: Provided always, that nothing in this Act contained shall extend or be construed to extend to enable His Majesty, His Heirs or Successors, to grant more than Five Statute Acres in any One Grant for any of the Purposes aforesaid, or to grant any Premises in any One Instance which shall exceed in Value the Sum of One thousand Pounds; and that all such Grants shall be carried into effect by Charters and other Instruments, according to the Law and Practice of *Scotland*, and not otherwise.

His Majesty may grant Sites for Churches, &c. out of Land Revenues in Scotland.

Limitation of Grants.

IV. And be it further enacted, That a Minute or Docket of every such Grant or Warrant shall be entered and preserved by the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in their Office.

Minutes to be preserved.



Commissioners  
of Woods, in  
their Reports,  
to certify all  
Grants made  
under this Act.

V. Provided always, and be it further enacted, That the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being shall, in every Report which shall be made by them to the King's most Excellent Majesty and to both Houses of Parliament touching or concerning the Land Revenue of the Crown, from and after the passing of this Act, certify and report every Grant which shall have been made under and by virtue of the Provisions of this Act since the Time of the making their last preceding Report, and to whom and for what Purpose the same shall have been made, and what Land or Ground shall be comprised therein, and all other Particulars relating thereto.

### CAP. LIX.

An Act to consolidate and amend the several Laws relating to the cruel and improper Treatment of Animals, and the Mischiefs arising from the driving of Cattle, and to make other Provisions in regard thereto.

[9th *September* 1835.]

‘ **W**HEREAS frequent Accidents arise from improperly driving Cattle, and many and great Cruelties are practised by  
 ‘ improperly driving and conveying Cattle to, at, and from public  
 ‘ Markets and otherwise, as well as in slaughtering and keeping  
 ‘ and detaining the same without Food and Nourishment, to the  
 ‘ great and needless Increase of the Sufferings of dumb Animals,  
 ‘ and to the Demoralization of the People, and whereby the Lives  
 ‘ and Property of His Majesty's Subjects are greatly endangered  
 ‘ and injured : And whereas it is expedient to reduce into One Act,  
 ‘ and to alter, amend, and enlarge the Powers and Provisions of  
 ‘ several Acts now in force relating to the cruel and improper Treat-  
 ‘ ment of Cattle, and the Mischiefs arising from the driving thereof,  
 ‘ and also to prevent as far as possible the cruel and improper  
 ‘ Treatment of Cattle and other Animals, and to make divers Pro-  
 ‘ visions in regard thereto :’ Be it therefore enacted by the King's  
 most Excellent Majesty, by and with the Advice and Consent of  
 the Lords Spiritual and Temporal, and Commons, in this present  
 Parliament assembled, and by the Authority of the same, That the  
 Act herein-after mentioned, (that is to say,) an Act passed in the  
 Third Year of the Reign of His late Majesty King *George* the  
 Fourth, intituled *An Act to prevent the cruel and improper Treat-  
 ment of Cattle*, and so much of an Act passed in the Third Year of  
 the Reign of His present Majesty, intituled *An Act for the more  
 effectual Administration of Justice in the Office of a Justice of the  
 Peace in the several Police Offices established in the Metropolis, and  
 for the more effectual Prevention of Depredations on the River Thames  
 and its Vicinity for Three Years*, as recites and enacts as follows,  
 (that is to say,) “ And whereas divers Places in and about the Me-  
 tropolis are kept and used for the Purpose of fighting or baiting of  
 Bears or other Animals, at which Places idle and disorderly Persons  
 commonly assemble, to the Interruption of good Order and the  
 Danger of the public Peace ; be it therefore enacted, that any Per-  
 son who shall, within Five Miles of *Temple Bar*, keep or use or  
 shall act in the Management or conducting of any Premises or Place  
 whatsoever

The Act  
3 G. 4. c. 71.  
and Part of  
the Act  
3 W. 4. c. 19.  
repealed.

whatsoever for the Purpose of fighting or baiting of Bears, Cock-fighting, baiting or fighting of Badgers or other Animals, shall, on Conviction thereof before any One Justice of the Peace, forfeit any Sum not exceeding Five Pounds, and in default of immediate Payment shall be liable to be imprisoned and kept to hard Labour for any Time not exceeding Two Months, unless the said Penalty shall be sooner paid," shall be and the same are hereby severally repealed, and made null and void to all Intents and Purposes, save and except as to any Penalties or Forfeitures incurred and not recovered, and to any Offences or other Matters committed and done before the passing of this Act.

II. And be it further enacted, That if any Person shall, from and after the passing of this Act, wantonly and cruelly beat, ill-treat, abuse, or torture any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Dog, or any other Cattle or domestic Animal, or if any Person who shall drive any Cattle or other Animal shall, by Negligence or ill Usage in the driving thereof, be the Means whereby any Mischief, Damage, or Injury shall be done by any such Cattle or other Animal, every such Offender being convicted of any or either of the said Offences before any One Justice of the Peace for the City, Town, or County in which any such Offence shall have been committed, shall for every such Offence forfeit and pay (over and above the Amount of the Damage or Injury (if any) done thereby, which Damage or Injury shall and may be ascertained and determined by such Justice) such a Sum of Money, not exceeding Forty Shillings nor less than Five Shillings, with Costs, as to such Justice shall seem meet; or the Offender shall, in default of Payment, be committed to the Common Gaol or House of Correction for the City, Town, or County in which such Offence shall have been committed, there to be imprisoned for any Time not exceeding Fourteen Days; provided that nothing in this Act contained shall prevent or abridge any Remedy by Action against the Employer of any such Offender where the Amount of the Damage is not sought to be recovered by virtue of this Act.

III. ' And whereas Cruelties are greatly promoted and encouraged by Persons keeping Houses, Rooms, Pits, Grounds, or other Places for the fighting or baiting of Dogs, Bulls, Bears, or other Animals, and for fighting Cocks, and by Persons aiding or assisting therein, and the same are great Nuisances and Annoyances to the Neighbourhood in which they are situate, and tend to demoralize those who frequent such Places;' be it therefore enacted, That from and after the passing of this Act, if any Person shall keep or use any House, Room, Pit, Ground, or other Place for the Purpose of running, baiting, or fighting any Bull, Bear, Badger, Dog, or other Animal (whether of domestic or wild Nature or Kind), or for Cock-fighting, or in which any Bull, Bear, Badger, Dog, or other such Animal shall be baited, run, or fought, every such Person shall be liable to a Penalty not exceeding Five Pounds nor less than Ten Shillings for every Day in which he shall so keep and use such House, Room, Pit, Ground, or Place for any of the Purposes aforesaid: Provided always, that the Person who shall act as the Manager of any such House, Room, Pit, Ground, or other Place, or who shall receive any Money for the Admission of any Person thereto, or who shall assist in any such baiting or fighting or Bull-running,

Any Person wantonly and cruelly beating or otherwise ill-treating any Cattle, &c. or improperly driving the same, whereby any Mischief shall be done, shall, upon Conviction, be fined or committed to Prison.

Persons keeping Pits for fighting Dogs or baiting Bears, &c. guilty of a Nuisance, and liable to Penalties.

The Person who shall be the Manager of such House to be deemed the Keeper.

running, shall be deemed and taken to be the Keeper of the same for the Purposes of this Act, and be liable to all such Penalties as are by this Act imposed upon the Person who shall actually keep any such House, Room, Pit, Ground, or other Place for the Purposes aforesaid.

Parties impounding Cattle to provide sufficient Food for them.

IV. ' And whereas great Cruelties are practised by reason of ' keeping and detaining Horses, Asses, and other Cattle and Ani- ' mals impounded and confined without Food frequently for many ' Days;' for Remedy whereof be it enacted, That from and after the passing of this Act every Person who shall impound or confine, or cause to be impounded or confined, any Horse, Ass, or other Cattle or Animal, in any Common Pound, open Pound, or close Pound, or in any inclosed Place, shall and he is hereby required to find, provide, and supply such Horse, Ass, and other Cattle or Animal so impounded or confined, daily with good and sufficient Food and Nourishment for so long a Time as such Horse, Ass, or other Cattle or Animal shall remain and continue so impounded or confined as aforesaid; and every such Person who shall so find, provide, and supply any such Horse, Ass, or other Cattle or Animal, with such daily Food and Nourishment as aforesaid, shall and may and he and they are hereby authorized and empowered to recover of and from the Owner or Owners of such Cattle or Animal not exceeding Double the full Value of the Food and Nourishment so supplied to such Cattle or Animal as aforesaid by proceeding before any One Justice of the Peace within whose Jurisdiction such Cattle or Animal shall have been so impounded and supplied with Food as aforesaid, in like Manner as any Penalty or Forfeiture, or any Damage or Injury, may be recovered under and by virtue of any of the Powers or Authorities in this Act contained, and which Value of the Food and Nourishment so to be supplied as aforesaid such Justice is hereby fully authorized and empowered to ascertain, determine, and enforce as aforesaid; and every Person who shall have so supplied such Food and Nourishment as aforesaid shall be at liberty, if he shall so think fit, instead of proceeding for the Recovery of the Value thereof as last aforesaid, after the Expiration of Seven clear Days from the Time of impounding the same, to sell any such Horse, Ass, or other Cattle or Animal, openly at any public Market (after having given Three Days public printed Notice thereof) for the most Money that can be then got for the same, and to apply the Produce in discharge of the Value of such Food and Nourishment so supplied as aforesaid, and the Expences of and attending such Sale, rendering the Overplus (if any) to the Owner of such Cattle or Animal.

Persons may enter Pounds for the Purpose of feeding Cattle.

V. And be it further enacted, That in case any Horse, Ass, or other Cattle or Animal shall at any Time so remain impounded or confined as aforesaid without sufficient daily Food or Nourishment more than Twenty-four Hours, it shall and may be lawful to and for any Person or Persons whomsoever from Time to Time and as often as shall be necessary to enter into and upon any such Common Pound, open Pound, or close Pound, or other inclosed Place in which any such Cattle or Animal shall be so impounded or confined, and to supply such Cattle or Animal with such good and sufficient Food and Nourishment during so long a Time as such Cattle or Animal shall so remain and continue impounded or confined as aforesaid,

aforesaid, without being liable to any Action of Trespass or other Proceeding by any Person or Persons whomsoever for or by any reason of such Entry or Entries for the Purposes aforesaid.

VI. And be it further enacted, That in case any such Person who shall so impound or confine, or cause to be impounded or confined, any such Horse, Ass, or other Cattle or Animal as aforesaid; shall refuse or neglect to find, provide, and supply such daily good and sufficient Food and Nourishment to such Cattle and Animal so impounded or confined as aforesaid, he<sup>m</sup> and they shall for every Day during which he or they shall so refuse or neglect to find, provide, and supply the same as aforesaid, forfeit and pay the Sum of Five Shillings; which last Sum and Sums of Money shall and may be recoverable by proceeding before any One Justice of the Peace in like Manner as herein-before provided for the Recovery of any Penalty, Forfeiture, Damage, or Injury as herein-before mentioned.

Penalty on Parties neglecting to feed impounded Cattle.

VII. ' And whereas great Cruelty is practised by reason of diseased, old, and worn-out Horses, sold or taken to Knackers or Slaughtermen for the Purpose of Slaughter, being frequently resold or compelled to work, or kept without sufficient Food; for Remedy whereof be it further enacted, That if any Person keeping or using any House or Place for the Purpose of slaughtering or killing any Horse or Cattle (which shall not be for Butcher's Meat) shall at any Time hereafter slaughter or kill any Horse or Cattle (not being for Butcher's Meat) without having previously taken out a Licence for that Purpose, and without having previously affixed over the outer Gate or Entrance from the public Highway to said licensed Premises the Board and Inscription in manner and form prescribed according to the Provisions of an Act of Parliament passed in the Twenty-sixth Year of the Reign of King George the Third, intituled *An Act for regulating Horses and other Places kept for the Purpose of slaughtering Horses*, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Ten Shillings, or be liable to such Punishment as in the said Act is provided.

As to slaughtering Horses, &c.

26 G. 3. c. 71.

VIII. And be it further enacted, That every Person so keeping or using any House or Place for the Purpose of slaughtering or killing Horses or other Cattle shall kill and slaughter every such Horse or Cattle within Three Days next after such Horse or other Cattle shall have been purchased by or brought and delivered to him, or any Person in his Service or Employ, for the Purposes of Slaughter as aforesaid, and shall also in the meantime, and until such Horse or other Cattle shall have been so slaughtered, find and provide such Horse or other Cattle with good and sufficient daily Food and Nourishment, and shall also, at the Time of receiving such Horse or Cattle for the Purposes aforesaid, enter in the Book which by the said Act of the Twenty-sixth of George the Third is required to be kept by such Person for the Purposes in the said Act mentioned, a correct Description of the Colour and Gender of the Horse so purchased by or delivered to him for the Purposes aforesaid, with the Date of receiving the same; and if any such Horse or other Cattle so received for the Purpose of being slaughtered as aforesaid shall be employed in any Manner of Work, or shall not be supplied with good and sufficient Food during the Time he shall survive, every such Person so receiving every such Horse

Horses to be slaughtered within Three Days after Purchase, and in the meantime to be provided with Food.

or other Cattle shall for each and every such Offence forfeit and pay any Sum not exceeding Forty Shillings nor less than Five Shillings for every Day on which such Offence shall be committed or continued.

Any Constable or Peace Officer, or the Owner of any Cattle, may seize Offenders.

IX. And for the more easy and effectual Apprehension of all Offenders against this Act, be it further enacted, That when and so often as any of the said Offences shall happen it shall and may be lawful to or for any Constable or other Peace Officer, or for the Owner of any such Cattle or Animal, upon View thereof, or upon the Information of any other Person (who shall declare his, her, or their Name or Names and Place or Places of Abode to the said Constable or other Peace Officer), to seize and secure by the Authority of this Act, and forthwith and without any other Authority or Warrant to convey any such Offender before any One Justice of the Peace within whose Jurisdiction the Offence shall have been committed, to be dealt with according to Law, and such Justice shall forthwith proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Information touching any such Offence (which Oath the said Justice is hereby authorized and empowered to administer).

As to Names of Offenders.

X. And be it further enacted, That if any Person who shall be apprehended for having committed any Offence against this Act shall refuse to discover his Name and Place of Abode to the Justice before whom he shall be brought, such Person refusing shall immediately be delivered over to a Constable or other Peace Officer, and shall by him be conveyed to the Common Gaol or House of Correction for the City, Town, or County within which the Offence shall have been committed, or in which the Offender shall have been apprehended, there to remain for a Space not exceeding One Calendar Month, or until he shall make known his Name and Place of Abode to the said Justice.

Limitation as to summary Proceedings.

XI. And be it further enacted, That the Prosecution of every Offence punishable under this Act shall be commenced within Three Calendar Months next after the Commission of the Offence, and not otherwise; and the Evidence of the Party complaining shall be admitted in Proof of the Offence, and also the Evidence of any Overseer or Inhabitant of the Parish in which the Offence shall have been committed, notwithstanding any Forfeiture or Penalty incurred by the Offence may be payable to the Overseers of the Poor of such Parish.

As to Convictions.

XII. And be it further enacted, That in every Case of a Conviction under this Act, where the Sum which shall be awarded for the Amount of the Damage or Injury done, or which shall be imposed as a Penalty by any such Justice as aforesaid for any Offence contrary to this Act, shall not be paid either immediately upon or after the Conviction, or within such Period as such Justice shall at the Time of the Conviction appoint, it shall be lawful for such Justice (unless where otherwise specially directed) to commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, according to the Discretion of such Justice, for any Term not exceeding Fourteen Days, where the Amount of the Sum awarded or the Penalty imposed, or both (as the Case may be), together with the Costs shall not exceed Five Pounds, and for any Term not exceeding Two Calendar

lendar Months where the Amount, with Costs, shall exceed Five Pounds; the Commitment to be determinable in each of the Cases aforesaid upon Payment of the Sum or Sums awarded and Costs.

Mode of proceeding for Penalties, &c.

XIII. And be it further enacted, That it shall be lawful for any One such Justice as aforesaid, in all Cases in which no other Mode of proceeding is specially provided or directed by this Act, or in any Case where any Person shall not be conveyed before any Justice by the Authority of this Act, upon Information or Complaint made by any Person of any Offence against the Provisions of this Act, within Fourteen Days next after the Commission of any such Offence to summon the Party accused to appear before such Justice, or before any other Justice of the Peace, at a Time and Place to be by him named; and either on the Appearance of the Party accused or in default thereof it shall be lawful for such Justice or any other Justice, at the Time and Place to be appointed for such Appearance, to proceed to examine into the Matter, and upon due Proof made thereof by voluntary Confession of the Party, or by Oath of One or more credible Witness or Witnesses, to award, order, give Judgment, or convict for the Damage or Injury, Penalty or Forfeiture, as the Case may be.

Form of Conviction.

XIV. And be it further enacted, That in every Case where there shall be a Conviction for any Offence contrary to this Act the same shall be drawn or made out according to the Form following, or to the Effect thereof, or as near thereto as the Case shall require; (*videlicet*,

‘ County [or as the } BE it remembered, That on the Day  
‘ Case may be] of } of in the Year of our Lord  
‘ at in the County of [or as the Case may be] of  
‘ A. B. is convicted before me J. P., one of His Majesty’s Justices  
‘ of the Peace for the said County [or as the Case may be], for that  
‘ he the said A. B. on the Day of in the Year  
‘ at in the said did [here  
‘ specify the Offence, and on a Second Conviction state the First],  
‘ and I the said J. P. do adjudge the said A. B. for his said Offence  
‘ to forfeit and pay the Sum of [here state the Penalty  
‘ actually imposed, or the Penalty and also the Amount of the Injury  
‘ done, or as the Case may be], and also to pay the Sum of  
‘ for Costs, and in default of immediate Payment of the said Sums  
‘ to be imprisoned in the [or, in case of a Second or sub-  
‘ sequent Conviction, to be there kept to hard Labour] for the Space  
‘ of unless the said Sums shall be sooner paid; and I  
‘ direct that the said Sum of [the Penalty] shall be paid as follows;  
‘ that is to say, one Moiety thereof to the Overseers of the Poor of  
‘ the said Parish of to be by them applied according  
‘ to the Directions of the Statute in that Case made and provided,  
‘ and the other Moiety thereof to C. D. of [the Prosecu-  
‘ tor, or as the Case may be]; and that the said Sum of  
‘ [the Sum for the Amount of Injury done, if any Sum is awarded,]  
‘ shall be paid to E. F. [or the said C. D., as the Case may be]; and  
‘ I order that the said Sum of for Costs shall be  
‘ paid to the said C. D. Given under my Hand and Seal the Day  
‘ and Year first above mentioned.’

XV. And be it further enacted, That any Summons issued by any such Justice requiring the Appearance of any Defendant, against any of the Provisions of this Act, shall be deemed and taken to be well

Service of Justice’s Summons.

well and sufficiently served in case either the Summons or Copy thereof be served personally on such Person as aforesaid, or be left at his usual or last known Place of Abode, in whatever County the same may be so served or left.

Penalty on Constable refusing or neglecting to serve Summons, &c.

XVI. And be it further enacted, That if any Constable or other Peace Officer shall refuse or neglect to serve or execute any such Summons or Warrant granted or issued by any Justice of the Peace pursuant to any of the Provisions of this Act, every such Constable or Peace Officer so offending, and being convicted thereof upon the Information of any Person before any Justice of the Peace, shall forfeit any Sum not exceeding Five Pounds, as shall be awarded by such Justice, and in default of Payment thereof shall be committed by such Justice to the County Gaol or House of Correction of the City, Town, or County in which such Justice has Jurisdiction, there to be kept for the Space of Time not exceeding One Calendar Month, unless such Penalty shall be sooner paid.

Distribution of Penalties, &c.

XVII. And be it further enacted, That all pecuniary Penalties which shall be recovered before any Justice of the Peace under the Provisions of this Act shall respectively be divided, paid, and distributed in the following Manner; (that is to say,) one Moiety thereof to the Overseers of the Poor of the Parish in which any of the Offences aforesaid shall have been committed, to be by such Overseers applied in aid of the Rates of their respective Parishes, and the other Moiety thereof, with full Costs, to the Person who shall inform and prosecute for the same, or to such other Person as to such Justice shall seem fit and proper; and that all and every Sum or Sums of Money which shall or may be ascertained, determined, adjudged, and ordered by any Justice of the Peace, under the Authority of this Act, to be paid as the Amount of any Damage or Injury occasioned by the Commission of any of the Offences herein-before mentioned, shall be paid to the Person who shall or may have sustained such Damage or Injury according to the Order or Determination and at the Discretion of any such Justice.

Informants or Complainants not disqualified.

XVIII. And be it further enacted, That upon the hearing of any Information or Complaint exhibited or made under any of the Provisions of this Act, any Person giving or making such Information or Complaint, or other Person, shall be deemed and is hereby declared to be a competent Witness, notwithstanding he may be entitled to any Part of the pecuniary Penalty, on the Conviction of any Offender, upon any such Information or Complaint as aforesaid.

Limitation of Actions.

XIX. And be it further enacted, That all Actions and Prosecutions which may be brought or commenced against any Person for any thing done in pursuance or under the Authority of this Act shall be commenced within One Calendar Month next after the Fact committed, and not afterwards, and shall be brought and tried in the County or Place where the Cause of Action shall arise, and not elsewhere; and Notice in Writing of any such Action, and specifying the Cause thereof, shall be given to the Defendant Fourteen clear Days at least before the Commencement of any such Action; and the Defendant in such Action may plead the General Issue, and give this Act and any other Matter or Thing in Evidence at any Trial to be had thereupon; and if the Cause of Action shall appear to arise from or in respect of any Matter or Thing done in pursuance and by the Authority of this Act, or if any such Action shall be brought after the Expiration of One Calendar

Calendar Month, or shall be brought in any other County or Place than as aforesaid, or if Notice of such Action shall not have been given in manner aforesaid, or if Tender of sufficient Amends shall have been made before such Action commenced, or if a sufficient Sum of Money shall have been paid into Court after such Action commenced by or on behalf of the Defendant, the Jury shall find a Verdict for the Defendant; and if a Verdict shall pass for the Defendant, or if the Plaintiff shall become Nonsuit, or shall discontinue any such Action, or if, on Demurrer or otherwise, Judgment shall be given against him, the Defendant shall recover his full Costs of Suit as between Attorney and Client, and shall have the like Remedy for the same as every Defendant may have for Costs of Suit in other Cases at Law; and although a Verdict shall be given for the Plaintiff in any such Action such Plaintiff shall not have Costs against the Defendant unless the Judge before whom the Trial shall be had shall certify his Approbation of the Action and of the Verdict obtained thereon.

XX. And be it further enacted, That in case any Person shall consider himself aggrieved by any Adjudication or Conviction made by any Justice of the Peace under the Authority of this Act, such Party shall and may appeal against such Adjudication or Conviction on giving Fourteen Days Notice of such Appeal, and the Cause and Matter thereof, to such Justice, to the next Quarter Sessions to be held next after the Expiration of the said Fourteen Days in or for the Town, City, Riding, County, or Division within which such Adjudication or Conviction shall have been made; and such Court of Quarter Sessions shall hear and determine the said Appeal, and award to the Party appealing against or supporting such Adjudication or Conviction such Costs as to them shall seem reasonable.

Parties dissatisfied with Adjudication of any Justice may appeal to Quarter Sessions.

XXI. And in order to avoid the Repetition, and to prevent any Misconstruction of the Terms and Expressions used in this Act, be it further enacted, That whenever in this Act, with reference to any Person, Cattle, Animal, Matter, or Thing, any Word or Words is or are used importing the Singular Number or the Masculine or Feminine Gender only, yet such Word or Words shall be understood to include several Persons or Animals as well as One Person or Animal, and Females as well as Males, and several Matters or Things as well as One Matter or Thing, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction; and that where the Word "Cattle" is used alone in this Act the same shall be understood and taken for any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, or Lamb, or any other Cattle or domestic Animal.

Construction of Terms used in this Act.

### CAP. LX.

An Act for carrying into effect a Treaty with the King of the *French* and the King of *Sardinia* for suppressing the Slave Trade. [9th September 1835.]

‘ WHEREAS a Treaty was on the Eighth Day of *August* in the Year of our Lord One thousand eight hundred and thirty-four, with an additional Article thereto on the Eighth Day



‘ Day of *December* in the same Year, concluded between His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, His Majesty the King of the *French*, and His Majesty the King of *Sardinia*, and signed at *Turin*, whereby it was agreed as follows :

‘ ARTICLE I.—His Majesty the King of *Sardinia* accedes to the Conventions concluded and signed on the Thirtieth of *November* One thousand eight hundred and thirty-one, and on the Twenty-second of *March* One thousand eight hundred and thirty-three, between His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the *French*, relating to the Suppression of the Slave Trade, as well as to their Annexes, excepting the Reservations and Modifications expressed in the Second, Third, and Fourth Articles herein-after given, which Articles shall be considered additional to the said Conventions and to their Annexes, and excepting the Differences which necessarily result from the Situation of His *Sardinian* Majesty as a Party acceding to the Conventions in question after their Conclusion; His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* and His Majesty the King of the *French* having accepted the said Accession, all the Articles of these Two Conventions, and all the Conditions of their Annexes, shall in consequence be held to have been concluded and signed in the same Manner as the present Convention directly between His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, His Majesty the King of the *French*, and His Majesty the King of *Sardinia* :

‘ Their said Majesties engage and promise reciprocally to fulfil faithfully, excepting the Reservations and Modifications hereby stipulated for, all the Clauses, Conditions, and Obligations which result therefrom; and in order to prevent any Uncertainty it has been agreed that the above-mentioned Conventions, as well as their Annexes, shall be inserted here Word for Word, as follows :

‘ *Convention between His Majesty and the King of the French for the more effectual Suppression of the Traffic in Slaves, signed at Paris the Thirtieth Day of November One thousand eight hundred and thirty-one.*

‘ The Courts of *Great Britain* and of *France*, being desirous of rendering more effectual the Means of Suppression which have hitherto been in force against the criminal Traffic known under the Name of the Slave Trade, they have deemed it expedient to negotiate and conclude a Convention for the Attainment of so salutary an Object, and they have to this End named as their Plenipotentiaries; (that is to say,) His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* the Right Honourable Viscount *Granville*, Peer of Parliament, Member of the Privy Council, Knight Grand Cross of the Most Honourable Order of the Bath, Ambassador Extraordinary and Plenipotentiary at the Court of *France*; and His Majesty the King of the *French* the Lieutenant General Count *Horace Sebastiani*, Grand Cross of the Order of the Legion of Honour, Member of the Chamber of Deputies of the Depart-

‘ ments,

ments, and Minister and Secretary of State for the Department of Foreign Affairs; who, after having exchanged their full Powers, found to be in due Form, have signed the following Articles :

Article I.—The mutual Right of Search may be exercised on board the Vessels of each of the Two Nations, but only within the Waters herein-after described; namely,

1°. Along the Western Coast of *Africa*, from *Cape Verd* to the Distance of Ten Degrees to the South of the Equator; that is to say, from the Tenth Degree of South Latitude to the Fifteenth Degree of North Latitude, and as far as the Thirtieth Degree of West Longitude, reckoning from the Meridian of *Paris*.

2°. All round the Isle of *Madagascar* to the Extent of Twenty Leagues from that Island.

3°. To the same Distance from the Coasts of the Island of *Cuba*.

4°. To the same Distance from the Coasts of the Island of *Porto Rico*.

5°. To the same Distance from the Coasts of *Brazil*.

It is however understood that a suspected Vessel descried and begun to be chased by the Cruizers whilst within the said Space of Twenty Leagues may be searched by them beyond those Limits, if, without having ever lost Sight of her, they should only succeed in coming up with her at a greater Distance from the Coast.

Article II.—The Right of searching Merchant Vessels of either of the Two Nations in the Waters herein-before mentioned shall be exercised only by Ships of War whose Commanders shall have the Rank of Captain or at least that of Lieutenant in the Navy.

Article III.—The Number of Ships to be invested with this Right shall be fixed each Year by a special Agreement; the Number for each Nation need not be the same, but in no Case shall the Number of the Cruizers of the one Nation be more than Double the Number of the Cruizers of the other.

Article IV.—The Names of the Ships and of their Commanders shall be communicated by each of the contracting Governments to the other, and Information shall be reciprocally given of all Changes which may take place in the Cruizers.

Article V.—Instructions shall be drawn up and agreed upon in common by the Two Governments for the Cruizers of both Nations, which Cruizers shall afford to each other mutual Assistance in all Circumstances in which it may be useful that they should act in concert. The Ships of War authorized to exercise the reciprocal Right of Search shall be furnished with a special Authority from each of the Two Governments.

Article VI.—Whenever a Cruiser shall have chased and overtaken a Merchant Vessel as liable to Suspicion, the Commanding Officer, before he proceeds to the Search, shall exhibit to the Captain of the Merchant Vessel the special Orders

‘ Orders which confer upon him by Exception the Right to  
 ‘ visit her ; and in case he shall ascertain the Ship’s Papers to  
 ‘ be regular, and her Proceedings lawful, he shall certify upon  
 ‘ the Log Book of the Vessel that the Search took place only  
 ‘ in virtue of the said Orders ; these Formalities having  
 ‘ been completed, the Vessel shall be at liberty to continue her  
 ‘ Course.

‘ Article VII.—The Vessels captured for being engaged in  
 ‘ the Slave Trade, or as being suspected of being fitted out for  
 ‘ that infamous Traffic, shall, together with their Crews, be  
 ‘ delivered over, without Delay, to the Jurisdiction of the  
 ‘ Nation to which they shall belong ; it is furthermore distinctly  
 ‘ understood, that they shall only be judged according to the  
 ‘ Laws in force in their respective Countries.

‘ Article VIII.—In no Case shall the Right of mutual  
 ‘ Search be exercised upon the Ships of War of either  
 ‘ Nation.

‘ The Two Governments shall agree upon a particular  
 ‘ Signal, with which those Cruizers only shall be furnished  
 ‘ which are invested with this Right, and which Signal shall  
 ‘ not be made known to any other Ship not employed upon  
 ‘ this Service.

‘ Article IX.—The High Contracting Parties to the present  
 ‘ Treaty agree to invite the other Maritime Powers to accede  
 ‘ to it within as short a Period as possible.

‘ Article X.—The present Convention shall be ratified, and  
 ‘ the Ratifications of it shall be exchanged within One Month,  
 ‘ or sooner, if it be possible.

‘ In Faith of which the Plenipotentiaries have signed the  
 ‘ present Convention, and have affixed thereto the Seal of  
 ‘ their Arms.

‘ Done at *Paris* the Thirtieth of *November* One thousand  
 ‘ eight hundred and thirty-one.

‘ (Signed) *Granville.* (L.S.)

‘ *Horace Sebastiani.* (L.S.)

‘ *Supplementary Convention between His Majesty and the King  
 ‘ of the French for the more effectual Suppression of the  
 ‘ Traffic in Slaves, signed at Paris March Twenty-second  
 ‘ One thousand eight hundred and thirty-three.*

‘ His Majesty the King of the United Kingdom of *Great  
 ‘ Britain and Ireland* and His Majesty the King of the *French*  
 ‘ having felt the Necessity of developing some of the Clauses  
 ‘ contained in the Convention which was signed between Their  
 ‘ Majesties on the Thirtieth of *November* One thousand eight  
 ‘ hundred and thirty-one, relating to the Suppression of the  
 ‘ Crime of Slave Trade, have named as their Plenipotentiaries  
 ‘ for this Purpose ; (to wit,)

‘ His Majesty the King of the United Kingdom of *Great  
 ‘ Britain and Ireland* the Right Honourable *Granville* Viscount  
 ‘ *Granville*, Peer of the United Kingdom, Knight Grand Cross  
 ‘ of the Most Honourable Order of the Bath, Member of the  
 ‘ Privy Council of His *Britannic* Majesty, and His Ambassador  
 ‘ Extraordinary and Plenipotentiary to the Court of *France* ; and  
 ‘ His Majesty the King of the *French* Monsieur *Charles Leonce  
 ‘ Achille*

‘ *Achille Victor Duc de Broglie*, Peer of *France*, Knight of the  
 ‘ Royal Order of the Legion of Honour, Minister and Secretary of State for the Department of Foreign Affairs; who, after  
 ‘ having exchanged their Powers, which have been found in good  
 ‘ and due Form, have agreed on the following Articles :

‘ Article I.—Whenever a Merchant Vessel navigating under  
 ‘ the Flag of one of the Two Nations shall have been detained  
 ‘ by the Cruizers of the other duly authorized to that Effect,  
 ‘ conformably to the Provisions of the Convention of the  
 ‘ Thirtieth *November* One thousand eight hundred and thirty-  
 ‘ one, such Merchant Vessel, as also her Master, her Crew,  
 ‘ her Cargo, and the Slaves who may be on board, shall be  
 ‘ carried to such Places as shall have been appointed by the  
 ‘ Contracting Parties respectively, in order that Proceedings  
 ‘ may be there instituted respecting them agreeably to the  
 ‘ Laws of each Country, and they shall be delivered over to  
 ‘ the Authorities appointed for that Purpose by the respective  
 ‘ Governments.

‘ When the Commander of the Cruizer shall not think proper to take upon himself the carrying in and delivering up the  
 ‘ detained Vessel he shall not entrust that Duty to an Officer  
 ‘ below the Rank of Lieutenant in the Navy.

‘ Article II.—The Cruizers of the Two Nations authorized  
 ‘ to exercise the Right of Visit and Detention in execution of  
 ‘ the Convention of the Thirtieth *November* One thousand  
 ‘ eight hundred and thirty-one, shall, in all that relates to the  
 ‘ Formalities of the Visit and of the Detention, as well as to  
 ‘ the Measures to be taken for delivering up Vessels suspected  
 ‘ of being engaged in the Slave Trade to the respective Juris-  
 ‘ dictions, conform strictly to the Instructions annexed to the  
 ‘ present Convention, and which shall be considered as an in-  
 ‘ tegral Part thereof.

‘ The Two High Contracting Parties reserve to themselves  
 ‘ the Power of making in these Instructions, by common Con-  
 ‘ sent, any Modifications which Circumstances might render  
 ‘ necessary.

‘ Article III.—It is clearly understood that if the Com-  
 ‘ mander of a Cruizer of one of the Two Nations should have  
 ‘ Reason to suspect that a Merchant Vessel navigating under  
 ‘ Convoy of or in Company with a Vessel of War of the other  
 ‘ Nation has engaged in the Slave Trade, or has been fitted  
 ‘ out for the said Trade, he is to make known his Suspicions  
 ‘ to the Commander of the Convoy or Vessel of War, who shall  
 ‘ proceed alone to visit the suspected Vessel; and in case the  
 ‘ latter Commander should find that the Suspicion is well  
 ‘ founded he shall cause the Vessel to be taken, together with  
 ‘ her Master, her Crew, and the Cargo, and the Slaves who  
 ‘ may be on board, into a Port of his own Nation, in order  
 ‘ that Proceedings may be instituted with regard to them,  
 ‘ agreeably to the respective Laws.

‘ Article IV.—As soon as any Merchant Vessel detained and  
 ‘ sent before the Tribunals aforesaid shall arrive at one of the  
 ‘ Ports respectively pointed out, the Commander of the Cruizer  
 ‘ which shall have detained her, or the Officer appointed to  
 ‘ bring

‘ bring her in, shall deliver to the Authorities appointed for  
 ‘ that Purpose One Copy, signed by him, of all the Lists, De-  
 ‘ clarations, and other Documents specified in the Instructions  
 ‘ annexed to the present Convention, and the said Authorities  
 ‘ shall in consequence proceed to a Survey of the detained  
 ‘ Vessel and her Cargo, and to an Inspection of her Crew, and  
 ‘ of the Slaves who may be on board, after having previously  
 ‘ given Notice of the Time of such Survey and Inspection to  
 ‘ the Commander of the Cruizer, or to the Officer who shall  
 ‘ have brought in the Vessel, in order that he, or some Person  
 ‘ in his Behalf, may be present thereat.

‘ A Declaration (Procès verbal) of these Proceedings shall  
 ‘ be drawn up in Duplicate, signed by the Persons who shall  
 ‘ have acted therein or been present at the same, and one of  
 ‘ the said Declarations shall be delivered to the Commander  
 ‘ of the Cruizer, or to the Officer who shall have been appointed  
 ‘ to bring in the detained Vessel.

‘ Article V.—The Vessels detained as before mentioned,  
 ‘ their Masters, Crews, and Cargoes, shall be forthwith pro-  
 ‘ ceeded against before the proper Tribunals in the respective  
 ‘ Countries according to the established Forms; and if in conse-  
 ‘ quence of such Proceedings the said Vessels shall be found to  
 ‘ have been employed in the Slave Trade, or to have been fitted  
 ‘ out for the Purposes thereof, the Master, the Crew, and the  
 ‘ Accomplices, as well as the Ship and Cargo, shall be dealt  
 ‘ with conformably to the respective Laws of the Two Countries.

‘ In case the said Vessels shall be confiscated a Portion of  
 ‘ Proceeds arising from their Sale shall be paid into the Hands  
 ‘ of the Government to which the Captor belongs, to be distri-  
 ‘ buted among the Officers and Crew of the capturing Ship.  
 ‘ This Portion shall be Sixty-five *per Centum* of the Net Pro-  
 ‘ duce of the Sale, as long as such a Distribution of the Proceeds  
 ‘ is consistent with the respective Laws of the Two Countries.

‘ Article VI.—Any Merchant Vessel of either of the Two  
 ‘ Nations visited and detained in pursuance of the Convention  
 ‘ of the Thirtieth of *November* One thousand eight hundred and  
 ‘ thirty-one, and of the Provisions herein-before recited, shall,  
 ‘ unless Proof be given to the contrary, be held and taken of  
 ‘ Right to have engaged in the Slave Trade, or to have been  
 ‘ fitted out for the Purposes of such Traffic, if any of the Par-  
 ‘ ticulars herein-after specified shall be found in her Outfit or  
 ‘ Equipment, or on board of her; *videlicet*,

‘ 1°. Having her Hatches fitted with open Gratings, in-  
 ‘ stead of being close Hatches as usual in Merchant Vessels.

‘ 2°. Having more Divisions or Bulk-heads in the Hold  
 ‘ or on Deck than necessary for Trading Vessels.

‘ 3°. Having on board spare Planks, either actually fitted  
 ‘ in that Shape, or fit for readily laying a Second or move-  
 ‘ able Deck or Slave Deck.

‘ 4°. Having on board Shackles, Bolts, or Handcuffs.

‘ 5°. Having on board a Supply of Water more than suf-  
 ‘ ficient for the Consumption of her Crew as a Merchant  
 ‘ Vessel.

‘ 6°. Having on board an unreasonable Number of Water-  
 ‘ casks

‘ casks or other Vessels for holding Water, unless the Master  
 ‘ shall produce a Certificate from the Custom House from  
 ‘ the Place at which he cleared outwards stating that a suf-  
 ‘ ficient Security had been given by the Owners of such Vessel  
 ‘ that such Casks or other Vessels should only be used for  
 ‘ the Reception of Palm Oil, or be employed in any other  
 ‘ lawful Trade.

‘ 7°. Having on board a greater Quantity of Mess-tubs  
 ‘ or Kids than requisite for the Use of her Crew as a Mer-  
 ‘ chant Vessel.

‘ 8°. Having on board Two or more Copper Boilers, or  
 ‘ even One evidently larger than requisite for the Use of her  
 ‘ Crew as a Merchant Vessel.

‘ 9°. Having on board a Quantity of Rice or Farinha,  
 ‘ Flour of the Manioc of *Brazil* or Cassada, or Maize or  
 ‘ Indian Corn, beyond any probable requisite Provision for  
 ‘ the Use of her Crew, and such Rice, Flour, Maize or  
 ‘ Indian Corn not being entered on the Manifest as Part of  
 ‘ the Cargo for Trade.

‘ Article VII.—No Compensation shall in any Case be  
 ‘ granted either to the Master or to the Owner or to any other  
 ‘ Person interested in the Equipment or Lading of a Merchant  
 ‘ Vessel in which any of the Particulars specified in the pre-  
 ‘ ceding Article shall be found, even if the Tribunals should  
 ‘ not pronounce any Condemnation in consequence of her  
 ‘ Detention.

‘ Article VIII.—When a Merchant Vessel of either of the  
 ‘ Two Nations shall have been visited and detained illegally,  
 ‘ or without sufficient Cause of Suspicion, or when the Visit and  
 ‘ Detention shall have been attended with any Abuse or vexa-  
 ‘ tious Acts, the Commander of the Cruizer, or the Officer  
 ‘ who shall have boarded the said Vessel, or the Officer who  
 ‘ shall have been appointed to bring her in, as the Case may  
 ‘ be, shall be liable to Costs and Damages to the Master and  
 ‘ to the Owners of the Vessel and Cargo.

‘ These Costs and Damages may be awarded by the Tri-  
 ‘ bunal before which the Proceedings against the detained  
 ‘ Vessel, her Master, Crew, and Cargo, shall have been insti-  
 ‘ tuted; and the Government of the Country to which the  
 ‘ Officer who gave Occasion for such Award shall belong shall  
 ‘ pay the Amount of the said Costs and Damages within the  
 ‘ Period of One Year from the Date of the Award.

‘ Article IX.—If in the Visit or Detention of a Merchant  
 ‘ Vessel, made in virtue of the Provisions of the Convention of  
 ‘ the Thirtieth *November* One thousand eight hundred and  
 ‘ thirty-one, or of the present Convention, any Abuse or Vexa-  
 ‘ tion shall have been committed, but the Vessel shall not have  
 ‘ been delivered over to the Jurisdiction of her own Nation,  
 ‘ the Master of the Vessel shall make a Declaration on Oath  
 ‘ of the Abuses or Vexations of which he has to complain, and  
 ‘ of the Costs and Damages to which he lays Claim, before the  
 ‘ competent Authorities in the first Port of his own Country at  
 ‘ which he may arrive, or before the Consular Agent of his  
 ‘ Nation if the Vessel proceeds to a Foreign Port where there

‘ is such an Agent. This Declaration shall be confirmed by an  
 ‘ Examination under Oath of the principal Persons of the  
 ‘ Crew or Passengers who have witnessed the Visit or Deten-  
 ‘ tion; and One formal Declaration (Procès verbal) of the  
 ‘ whole shall be drawn up, and Two Copies thereof delivered  
 ‘ to the Master, who shall forward One of them to his own  
 ‘ Government in support of his Claim for Costs and Damages.  
 ‘ It is understood, that if any compulsory Circumstances should  
 ‘ prevent the Master from making his Declaration it may be  
 ‘ made by the Owner, or by any other Person interested in  
 ‘ the Vessel or in her Cargo.

‘ On the official Transmission of One Copy of the former  
 ‘ Declaration (Procès verbal) above mentioned through the  
 ‘ Channel of the respective Embassies the Government of the  
 ‘ Country to which the Officer charged with Abuses or Vexa-  
 ‘ tions shall belong shall forthwith institute an Inquiry into the  
 ‘ Matter, and if the Validity of the Complaint be admitted the  
 ‘ said Government shall cause to be paid to the Master or  
 ‘ Owner or to any other Person interested in the Vessel which  
 ‘ has been molested, or in her Cargo, the Amount of Costs and  
 ‘ Damages which may be due to them.

‘ Article X.—The Two Governments engage reciprocally  
 ‘ to communicate each to the other, free of Expence, and upon  
 ‘ Application being made, Copies of all the Proceedings insti-  
 ‘ tuted and Judgments given relative to Vessels visited or de-  
 ‘ tained in execution of the Provisions of the Convention of the  
 ‘ Thirtieth of *November* One thousand eight hundred and  
 ‘ thirty-one and of the present Convention.

‘ Article XI.—The Two Governments agree to ensure the  
 ‘ immediate Freedom of all Slaves who shall be found on board  
 ‘ Vessels visited and detained in virtue of the Stipulations of  
 ‘ the principal Convention herein-before referred to, or of the  
 ‘ present Convention, whenever the Offence of trafficking in  
 ‘ Slaves shall have been established by the Sentence of the  
 ‘ respective Tribunals. They reserve to themselves, however,  
 ‘ for the Welfare of the Slaves themselves, the Right to employ  
 ‘ them as Servants or free Labourers, conformably to their  
 ‘ respective Laws.

‘ Article XII.—It is hereby agreed between the Two High  
 ‘ Contracting Parties, that in all Cases in which a Vessel, under  
 ‘ the Convention of the Thirtieth of *November* One thousand  
 ‘ eight hundred and thirty-one, or under this Supplementary  
 ‘ Convention, shall be detained by their respective Cruizers as  
 ‘ having been engaged in the Slave Trade, or fitted out for the  
 ‘ Purposes thereof, and shall be placed at the Disposal of either  
 ‘ Government for the Purpose of being sold, in consequence of  
 ‘ a Sentence of Confiscation pronounced by a competent Tri-  
 ‘ bunal, the said Vessel shall be broken up, in whole or in part,  
 ‘ before the Sale, whenever its peculiar Construction or Outfit  
 ‘ shall give Reason to fear that it may be again employed in  
 ‘ the Slave Trade or any other illicit Traffic.

‘ Article XIII.—The present Convention shall be ratified,  
 ‘ and the Ratifications shall be exchanged at *Paris*, within the  
 ‘ Space of One Month, or sooner, if possible.

‘ In witness whereof the above-named Plenipotentiaries have  
 ‘ signed in Duplicate the present Convention, and have affixed  
 ‘ thereunto the Seals of their Arms.

‘ Done at *Paris* the Twenty-second of *March* One thou-  
 ‘ sand eight hundred and thirty-three.

‘ (Signed) *Granville.* (L.S.)

‘ *V. Broglie.* (L.S.)

‘ *Instructions to Cruizers.*

‘ 1°. Whenever a Merchant Vessel of either of the Two  
 ‘ Nations shall be visited by a Cruizer of the other, the Officer  
 ‘ commanding the Cruizer shall exhibit to the Master of such  
 ‘ Vessel the special Orders which confer upon him the excep-  
 ‘ tional Right of Visit, and shall deliver to him a Certificate,  
 ‘ signed by him, specifying his Rank in the Navy of his Coun-  
 ‘ try, with the Name of the Ship which he commands, and  
 ‘ declaring that the only Object of such Visit is to ascertain  
 ‘ whether the Vessel is engaged in the Slave Trade, or is fitted  
 ‘ out for the Purposes of such Traffic. When the Visit is  
 ‘ made by another Officer of the Cruizer than her Commander  
 ‘ this Officer shall not be under the Rank of Lieutenant in the  
 ‘ Navy, and in this Case such Officer shall exhibit to the Master  
 ‘ of the Merchant Vessel a Copy of the special Orders above  
 ‘ mentioned, signed by the Commander of the Cruizer, and  
 ‘ shall likewise deliver to him a Certificate, signed by him,  
 ‘ specifying the Rank which he holds in the Navy, the Name  
 ‘ of the Commander under whose Orders he is acting, and of  
 ‘ the Cruizer to which he belongs, and the Object of his Visit,  
 ‘ as herein-before recited. If it shall be ascertained by the  
 ‘ Visit that the Ship’s Papers are regular, and her Proceedings  
 ‘ lawful, the Officer shall certify upon the Log Book of the  
 ‘ Vessel that the Visit took place only in virtue of the special  
 ‘ Orders above mentioned, and the Vessel shall be permitted  
 ‘ to continue her Course.

‘ 2°. If in consequence of the Visit the Officer command-  
 ‘ ing the Cruizer shall be of opinion that there are sufficient  
 ‘ Grounds for believing that the Vessel is engaged in the  
 ‘ Slave Trade, or has been fitted out for that Traffic, and  
 ‘ if he shall in consequence determine to detain her, and to  
 ‘ have her delivered up to the respective Jurisdiction, he shall  
 ‘ forthwith cause a List to be made out in Duplicate of all the  
 ‘ Papers found on board, and he shall sign this List and the  
 ‘ Duplicate, adding to his Name his Rank in the Navy,  
 ‘ and the Name of the Vessel under his Command. He shall  
 ‘ in like Manner make out and sign in Duplicate a Declara-  
 ‘ tion stating the Place and Time of the Detention, the Name  
 ‘ of the Vessel, that of her Master, and those of the Persons  
 ‘ composing her Crew, and also the Number and Condition  
 ‘ of the Slaves found on board. This Declaration shall  
 ‘ further contain an exact Description of the State of the  
 ‘ Vessel and her Cargo.

‘ 3°. The Commander of the Cruizer shall without Delay  
 ‘ carry or send the detained Vessel, with her Master, Crew,  
 ‘ Cargo, and the Slaves found on board, to one of the Ports  
 ‘ herein-after specified, in order that Proceedings may be



‘ instituted in regard to them conformably to the respective  
 ‘ Laws of each Country, and he shall deliver the same to the  
 ‘ competent Authorities, or to the Persons who shall have  
 ‘ been specially appointed for that Purpose by the respective  
 ‘ Governments.

‘ 4°. No Person whatever shall be taken out of the detained  
 ‘ Vessel, nor shall any Part of her Cargo, nor of the Slaves  
 ‘ found on board, be removed from her, until after such Vessel  
 ‘ shall have been delivered over to the Authorities of her own  
 ‘ Nation, excepting only when the Removal of the Whole or  
 ‘ of Part of the Crew, or of the Slaves found on board, shall  
 ‘ be deemed necessary, either for the Preservation of their  
 ‘ Lives, or from any other Consideration of Humanity, or  
 ‘ for the Safety of the Persons who shall be charged with the  
 ‘ Navigation of the Vessel after her Detention. In this Case  
 ‘ the Commander of the Cruizer or the Officer appointed to  
 ‘ bring in the detained Vessel shall make a Declaration of  
 ‘ such Removal, in which he shall specify the Reasons for  
 ‘ the same; and the Masters, Sailors, Passengers, or Slaves so  
 ‘ removed shall be carried to the same Port as the Vessel and  
 ‘ her Cargo, and they shall be received in the same Manner as  
 ‘ the Vessel, agreeably to the Regulations herein-after set forth.

‘ 5°. All such *French* Vessels as shall be detained by the  
 ‘ Cruizers of His *Britannic* Majesty on the *African* Station  
 ‘ shall be carried and delivered up to the *French* Jurisdiction  
 ‘ at *Goree*.

‘ All such *French* Vessels as shall be detained by the  
 ‘ *British* Squadron on the *West India* Station shall be  
 ‘ carried and delivered up to the *French* Jurisdiction at  
 ‘ *Martinique*.

‘ All such *French* Vessels as shall be detained by the *British*  
 ‘ Squadron on the *Madagascar* Station shall be carried and  
 ‘ delivered up to the *French* Jurisdiction at the Isle of  
 ‘ *Bourbon*.

‘ All such *French* Vessels as shall be detained by the  
 ‘ *British* Squadron on the *Brazilian* Station shall be carried  
 ‘ and delivered up to the *French* Jurisdiction at *Cayenne*.

‘ All such *British* Vessels as shall be detained by the  
 ‘ Cruizers of His Majesty the King of the *French* on the  
 ‘ *African* Station shall be carried and delivered up to the  
 ‘ Jurisdiction of His *Britannic* Majesty at *Bathurst* on the  
 ‘ River *Gambia*.

‘ All such *British* Vessels as shall be detained by the  
 ‘ *French* Squadron on the *West India* Station shall be carried  
 ‘ and delivered up to the *British* Jurisdiction at *Port Royal* in  
 ‘ *Jamaica*.

‘ All such *British* Vessels as shall be detained by the  
 ‘ *French* Squadron on the *Madagascar* Station shall be carried  
 ‘ and delivered up to the *British* Jurisdiction at the *Cape of*  
 ‘ *Good Hope*.

‘ All such *British* Vessels as shall be detained by the  
 ‘ *French* Squadron on the *Brazilian* Station shall be carried  
 ‘ and delivered up to the *British* Jurisdiction at the Colony of  
 ‘ *Demerara*.

‘ 6°. As soon as a Merchant Vessel which shall have been  
 ‘ detained as aforesaid shall arrive at one of the Ports or  
 ‘ Places above mentioned, the Commander of the Cruizer,  
 ‘ or the Officer appointed to bring in the detained Vessel,  
 ‘ shall forthwith deliver to the Authorities duly appointed  
 ‘ for that Purpose by the respective Governments the Vessel  
 ‘ and her Cargo, together with the Master, Crew, Passen-  
 ‘ gers, and Slaves found on board, as also the Papers which  
 ‘ shall have been seized on board the Vessel, and one of the  
 ‘ Lists made out in Duplicate of the said Papers, the other  
 ‘ remaining in his Possession. Such Officer shall at the same  
 ‘ Time deliver to the said Authorities One of the Declara-  
 ‘ tions made out in Duplicate, as herein-before specified, adding  
 ‘ thereto a Statement of any Changes which may have taken  
 ‘ place from the Time of Detention to that of the Delivery,  
 ‘ as well as a Copy of the Declaration of any Removals  
 ‘ which may have taken place, as above provided for. In de-  
 ‘ livering over these several Documents the Officer will make  
 ‘ Attestation of their Truth on Oath and in Writing.

‘ 7°. If the Commander of a Cruizer of either of the High  
 ‘ Contracting Parties who shall be duly furnished with the  
 ‘ aforesaid special Instructions shall have Reason to suspect  
 ‘ that a Merchant Vessel sailing under Convoy or in com-  
 ‘ pany with a Ship of War of the other Party is engaged  
 ‘ in the Slave Trade, or has been fitted out for the Purpose  
 ‘ of that Traffic, he shall confine himself to the communi-  
 ‘ cating his Suspicions to the Commander of the Convoy or of  
 ‘ the Ship of War, and he shall leave it to the latter to pro-  
 ‘ ceed alone to a Visit of the suspected Vessel, and to deliver  
 ‘ her up, if the Case require it, to the Jurisdiction of her own  
 ‘ Country.

‘ 8°. The Cruizers of the Two Nations shall conform  
 ‘ strictly to the Tenor of these Instructions, which are to be  
 ‘ considered as a Development of the Clauses of the principal  
 ‘ Convention of the Thirtieth Day of *November* One thousand  
 ‘ eight hundred and thirty-one, as well as of the Convention  
 ‘ to which they are annexed.

‘ The undersigned Plenipotentiaries have agreed, in conform-  
 ‘ ity with the Second Article of the Convention signed by  
 ‘ them on this Day, the Twenty-second Day of *March* One  
 ‘ thousand eight hundred and thirty-three, that the preced-  
 ‘ ing Instructions shall be annexed to the said Convention  
 ‘ and considered as an integral Part thereof.

‘ *Paris*, the Twenty-second Day of *March* One thousand  
 ‘ eight hundred and thirty-three.

‘ (Signed) *Granville.* (L.S.)

‘ *V. Broglie.* (L.S.)

‘ ARTICLE II.—It is agreed, with reference to Article Three  
 ‘ of the Convention of the Thirtieth Day of *November* One  
 ‘ thousand eight hundred and thirty-one, herein above trans-  
 ‘ cribed, that His Majesty the King of *Sardinia* shall fix accord-  
 ‘ ing to his Convenience the Number of *Sardinian* Cruizers which  
 ‘ shall be employed on the Service mentioned in the said Article,  
 ‘ and the Stations on which they shall cruise.

‘ ARTICLE III.—The Government of His Majesty the King of  
 ‘ *Sardinia* shall make known to the Governments of *Great*  
 ‘ *Britain* and of *France*, conformably to Article Four of the  
 ‘ Convention of the Thirtieth Day of *November* One thousand  
 ‘ eight hundred and thirty-one, the *Sardinian* Ships of War  
 ‘ which are to be employed in the Suppression of the Trade, in  
 ‘ order that the necessary Warrants for their Commanders may  
 ‘ be delivered; the Warrants which are to be delivered by  
 ‘ *Sardinia* shall be issued after Notification of the Number of  
 ‘ *British* and *French* Cruizers intended to be employed shall have  
 ‘ been made to the *Sardinian* Government.

‘ ARTICLE IV.—It is agreed, with reference to the Fifth  
 ‘ Article of the Instructions annexed to the Supplementary  
 ‘ Convention of *March* the Twenty-second One thousand eight  
 ‘ hundred and thirty-three, that all *Sardinian* Vessels or Vessels  
 ‘ bearing the *Sardinian* Flag which may be detained, in execu-  
 ‘ tion of the Conventions herein-above transcribed, by the  
 ‘ Cruizers of His Majesty the King of the United Kingdom of  
 ‘ *Great Britain* and *Ireland* or of His Majesty the King of the  
 ‘ *French*, employed on the Stations of *America*, of *Africa*, and  
 ‘ of *Madagascar*, shall be carried in and delivered at the Port  
 ‘ of *Genoa*.

‘ ARTICLE V.—The present Treaty shall be ratified, and the  
 ‘ Ratifications shall be exchanged at *Turin* in the Space of  
 ‘ Three Months, or sooner if possible.

‘ Done at *Turin* the Eighth of *August* One thousand eight  
 ‘ hundred and thirty-four.

‘ (Signed) *Aug. J. Foster.* (L.S.)  
 ‘ *Barante.* (L.S.)  
 ‘ *De La Tour.* (L.S.)

‘ *Additional Article.*

‘ Whereas by the Fourth Article of the Treaty signed at  
 ‘ *Turin* on the Eighth Day of *August* One thousand eight  
 ‘ hundred and thirty-four, whereby the King of *Sardinia* accedes  
 ‘ to the Two Conventions concluded between Their Majesties the  
 ‘ King of the United Kingdom of *Great Britain* and *Ireland*  
 ‘ and the King of the *French* on the Thirtieth Day of *November*  
 ‘ One thousand eight hundred and thirty-one and on the  
 ‘ Twenty-second Day of *March* One thousand eight hundred  
 ‘ and thirty-three, it is stipulated, that all Vessels under the  
 ‘ Flag of *Sardinia*, which in pursuance of the before-mentioned  
 ‘ Treaty and Convention may be detained by the Cruizers either  
 ‘ of His Majesty the King of the United Kingdom of *Great*  
 ‘ *Britain* and *Ireland* or of His Majesty the King of the *French*,  
 ‘ stationed on the Coasts of *America*, *Africa*, or *Madagascar*,  
 ‘ shall be carried or sent to *Genoa*: And whereas the landing  
 ‘ of Negroes from such Ships at *Genoa* may be productive of  
 ‘ great Inconvenience; the undersigned Plenipotentiaries of the  
 ‘ Three Powers, Parties to the aforesaid Treaty of Accession,  
 ‘ being hereunto authorized and instructed by their respective  
 ‘ Sovereigns, have agreed to the following additional Article to  
 ‘ the before-mentioned Treaty:

‘ ARTICLE.—Negroes who shall be found on board Vessels  
 ‘ under the Flag of *Sardinia* which may be so detained, and  
 ‘ which,

‘ which, according to the Stipulations of the said Treaty, are  
 ‘ to be sent to *Genoa*, shall be landed at some Port nearer than  
 ‘ *Genoa* to the Place where such Slave Vessels may be found ;  
 ‘ (that is to say,)

‘ 1°. That if such *Sardinian* Vessel shall be detained by  
 ‘ an *English* Cruizer the Negroes found on board such Vessel  
 ‘ shall be landed at that Port or Place to which an *English*  
 ‘ Slave Vessel found and detained under similar Circum-  
 ‘ stances, and at the same Place, by a *French* Cruizer, would  
 ‘ under the aforesaid Conventions with *France* be sent or taken.

‘ 2°. If such *Sardinian* Vessel shall be detained by a  
 ‘ *French* Cruizer the Negroes found on board such Vessel  
 ‘ shall be landed at that Port or Place to which a *French*  
 ‘ Slave Vessel found and detained under similar Circum-  
 ‘ stances, and at the same Place, by an *English* Cruizer,  
 ‘ would under the aforesaid Conventions with *France* be sent  
 ‘ or taken.

‘ 3°. If such *Sardinian* Vessel shall be detained by a  
 ‘ *Sardinian* Cruizer the Negroes found on board shall be  
 ‘ landed at the nearest of those Ports or Places, *English* or  
 ‘ *French*, to which under the aforesaid Conventions with *France*  
 ‘ the Vessel having such Slaves on board would have been  
 ‘ taken or sent if such Vessel had been either *English* or  
 ‘ *French*, instead of being *Sardinian*, and if she had been  
 ‘ detained by an *English* or by a *French* Cruizer.

‘ The present Additional Article shall have the same Force  
 ‘ and Effect as if it had been inserted Word for Word in the  
 ‘ before-mentioned Treaty of Accession signed at *Turin* on the  
 ‘ Eighth Day of *August* last.

‘ It shall be ratified by each of the High Contracting  
 ‘ Parties, and the Ratifications shall be exchanged at *Turin*  
 ‘ within the Space of Six Months.

‘ Done at *Turin* this Eighth Day of *December* One thou-  
 ‘ sand eight hundred and thirty-four.

‘ (Signed) *Henry Edward Fox.* (L.S.)

‘ *Barante.* (L.S.)

‘ *De La Tour.* (L.S.)

‘ And whereas the said Treaty and the said Additional Article were  
 ‘ ratified by and between His Majesty the King of the United King-  
 ‘ dom of *Great Britain* and *Ireland*, His Majesty the King of the  
 ‘ *French*, and His Majesty the King of *Sardinia* respectively, and  
 ‘ such Ratifications were exchanged, *videlicet*, of the Treaty, on the  
 ‘ Eighth Day of *December* in the Year of our Lord One thousand  
 ‘ eight hundred and thirty-four, and of the said Additional Article,  
 ‘ on the Thirty-first Day of *January* One thousand eight hundred  
 ‘ and thirty-five: And whereas it is expedient and necessary that  
 ‘ effectual Provision should be made for carrying into execution the  
 ‘ Provisions of the said Treaty and of the said Additional Article:’  
 Be it therefore enacted by the King’s most Excellent Majesty, by  
 and with the Advice and Consent of the Lords Spiritual and Tem-  
 poral, and Commons, in this present Parliament assembled, and by  
 the Authority of the same, That it shall be lawful for any Officer  
 commanding any Ship of War of His Majesty or of the King of  
*Sardinia* who shall have such Rank as by the Second Article of the  
 said

Any Officer  
 commanding a  
 Ship of War of  
 His Majesty,

or of the King of Sardinia may search Merchant Vessels of either Nation suspected of being engaged in Slave Trade.

said Convention of the Thirtieth Day of *November* One thousand eight hundred and thirty-one is agreed, and who shall be duly instructed and authorized and furnished according to the several Provisions of the said Two Conventions, and within the Waters described and according to the Provisions and Exceptions contained in the First Article of the said Convention of the Thirtieth Day of *November* One thousand eight hundred and thirty-one, to exercise the Right of visiting and searching any Merchant Vessel of either of the said Two Nations of *Great Britain* and *Sardinia* liable to Suspicion and suspected of having engaged in or of having been employed in the Slave Trade, or of having been fitted out for the Purposes of such Traffic, according to the several Provisions and Instructions of the said Two Conventions, except as in the said Third Article of the said Supplementary Convention is excepted; and it shall further be lawful for such Officer under such Circumstances, and upon sufficient Grounds, to exercise the Right of detaining and of sending or of carrying in and delivering over such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, to the Authorities appointed by the respective Governments of *Great Britain*, *France*, and *Sardinia*, for the Purposes of the said Treaty of the Eighth Day of *August* One thousand eight hundred and thirty-four, and the Additional Article thereto by the respective Governments of *Great Britain*, *France*, and *Sardinia*, and to One of the Jurisdictions in the said Instructions mentioned, as the same are altered and modified by the said Treaty, in order that Proceedings may be instituted conformably to the respective Laws of the said Two Countries of *Great Britain* and *Sardinia*; and all such Commanders of His Majesty's Ships are hereby authorized and required, in the Exercise of such Right of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, to execute and comply with the said several Provisions and Instructions of the said Two Conventions as apply thereto respectively, and as the same are altered and modified by the said Treaty of the Eighth Day of *August* One thousand eight hundred and thirty-four, and the Additional Article thereto.

Any Proceedings instituted against Crew, &c. of captured Merchant Vessel to be conducted in the Name of the King of *Great Britain* and *Ireland*.

II. And be it further enacted, That where any such Officer of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of *Sardinia* shall send, carry, or deliver over as aforesaid any such Merchant Vessel, wholly or in part owned by any Subject or Subjects of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of *Sardinia* respectively, all and every Proceedings instituted in the Tribunals herein-after mentioned, in regard to such Merchant Vessel, and its Crew, Cargo, and Slaves, and in respect to the Cause, shall be conducted in the Name of His said Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, by some Person duly thereunto authorized; (that is to say,) all Ships, Cargoes, and Slaves which shall be so detained by the Cruizers of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of *Sardinia*, and delivered up to the Jurisdiction of His Majesty at *Bathurst* on the River *Gambia*, shall be proceeded against and adjudicated in the Vice Admiralty Court of *Sierra Leone*; and all other Ships, Cargoes, and Slaves which may in like Manner be detained by the Cruizers of

His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of *Sardinia*, and delivered up to the Jurisdiction of His Majesty, either at *Jamaica*, the *Cape of Good Hope*, or *Demerara*, shall be proceeded against and adjudicated in the Vice Admiralty Court established in the said Colonies respectively; and the Judges and other Officers of the said Vice Admiralty Courts respectively are hereby authorized to take cognizance thereof accordingly.

III. And be it further enacted and declared, That if any of the Particulars specified in the Sixth Article of the said Convention of the Twenty-second Day of *March* One thousand eight hundred and thirty-three shall be found in the Outfit or Equipment of or on board of any such Merchant Vessel, wholly or in part owned as last aforesaid, and visited and detained in pursuance of the said Treaty, such Vessel shall, unless Proof be given to the contrary, be held and taken to have engaged in the Slave Trade, or to have been fitted out for the Purpose of such Traffic, and to be equipped and employed for the Purposes declared unlawful by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*.

IV. And be it further enacted, That in case any such Merchant Vessel, wholly or in part owned as aforesaid, shall be brought in by any Officer of His Majesty the King of *Sardinia* duly authorized, and shall be confiscated according to the Laws of this Country, and the Provisions of the said Two Conventions (as the same are altered and modified by the said Treaty), and of the said Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, it shall be lawful for His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* to direct that a Portion of the Proceeds arising from the Sale thereof shall be paid into the Hands of the Government of His Majesty the King of *Sardinia* according to the Provisions of the Fifth Article of the said Convention of the Twenty-second Day of *March* One thousand eight hundred and thirty-three; and any Portion of the Proceeds arising from the Sale of any Ship agreed to be paid into the Hands of the Government of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, according to the Provisions of the said Fifth Article, or Cargo, shall be paid to such Person or Persons as the Commissioners of His Majesty's Treasury may direct or appoint to receive the same, to and for the Use of the Captors, according to the Provisions of the said Fifth Article; and the same, after deducting all necessary Expenses, shall be distributed to and amongst the Officers and Crew of the capturing Ship, in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessel.

V. And be it further enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Commanders, Officers, and Crews of His Majesty's Ships authorized to make Seizures under the said Treaty of the Eighth Day of *August* One thousand eight hundred and thirty-four, a Bounty of Five Pounds of lawful Money of *Great Britain* for every Slave, whether Man, Woman, or Child, seized and found on board a *British* or *Sardinian* Ship or Vessel taken, delivered

If any of the Particulars specified in Sixth Article are found on board a captured Vessel, she shall be deemed to have been engaged in the Slave Trade.

5 G. 4. c. 113.

A Portion of the Proceeds arising from Sale of Slave Vessel captured by a Sardinian Officer to be paid to the King of *Sardinia*.

Bounty of 5*l.* to be paid to Commanders and Crews for every Slave found on board a condemned Vessel of either Nation.

or of the King of Sardinia may search Merchant Vessels of either Nation suspected of being engaged in Slave Trade.

said Convention of the eighth

Sardinian Slave Treaty.

See

Cap. 60.

delivered over, and condemned in pursuance of the said Treaty and of this Act; such Bounty to be issued and paid by Order from the said Commissioners of His Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportion as His Majesty, His Heirs and Successors, shall think fit to order and direct by any Order in Council or by any Proclamation to be made for that Purpose.

Bounty to be paid out of the Treasury of Great Britain to the Officers appointed to receive Slaves

VII. Provided always, and be it further enacted, That in order to entitle the Captors, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of His Majesty's Treasury by producing a Copy duly certified of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves.

Where Slaves are seized but not condemned, the Lords of the Treasury are empowered to grant a Moiety of the Bounty.

VIII. And be it further enacted, That where any Slaves, or Persons treated, dealt with, carried, kept, or detained as Slaves, shall be taken or seized on board any British or Sardinian Ship or Vessel, in pursuance of the Provisions of the said Treaty and of this Act, but shall not have been condemned, or shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall and may be lawful for the said Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct the Payment out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over and condemned.

Persons claiming Benefit of Bounty may resort to High Court of Admiralty for Judgment thereon.

VIII. Provided also, and be it further enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or any Share of the Proceeds of any Sardinian Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, shall and may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf, and it shall and may be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise on any Seizure made in pursuance of this Act, and to enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure.

Regulations pertaining to the Distribution of Prize Money.

IX. And be it further enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to Greenwich Hospital, shall be and are extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of His Majesty's Ships or Vessels of War.

Where Damages are sustained by the illegal Detention of a Vessel, the Treasury may make Compensation.

X. And be it further enacted, That where any illegal Visit and Detention, or any Visit or Detention without sufficient Cause of Suspicion, or any Abuse or Vexation, shall have taken place, and shall have been made by any Officer of His Majesty the King of Great Britain and Ireland, as is mentioned in the Eighth and Ninth Articles of the said Convention of the Twenty-second Day of March

*March* One thousand eight hundred and thirty-three, it shall be lawful for the Commissioners of His Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs and Damages which may be duly awarded according to the Provisions of the said Two last-mentioned Articles: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon so to do by Order of the said Commissioners of His Majesty's Treasury.

XI. And be it further enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of His Majesty's Ships authorized to make Seizures under the aforesaid Treaty, and when Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expences as the Seizor may have incurred in respect of such Seizure, or any proportionate Part thereof.

Where Judgment is given against the Seizor, the Treasury to defray Expences by him incurred.

XII. And be it further enacted, That if any Action or Suit shall be commenced, either in *Great Britain* or elsewhere, against any Person or Persons, for any thing done in pursuance of the said Treaty, or in pursuance of this Act, in as far as it relates to the said Treaty, the Defendant or Defendants in such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and may plead that the same was done in pursuance and by the Authority of the said Treaty or of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or shall discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant or Defendants shall recover Treble Costs, and shall have the like Remedy for the same as Defendants have in other Cases by Law.

Defendant may plead the General Issue, and give this Act in Evidence.

### CAP. LXI.

An Act for carrying into effect the Treaty with the King of the *French* and the King of *Denmark* for suppressing the Slave Trade. [9th September 1835.]

WHEREAS a Treaty was on the Twenty-sixth Day of *July* in the Year of our Lord One thousand eight hundred and thirty-four concluded between His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, His Majesty the King of the *French*, and His Majesty the King of *Denmark*, and signed at *Copenhagen*, whereby it was agreed as follows:

ARTICLE I.—His Majesty the King of *Denmark* accedes to the Conventions concluded and signed on the Thirtieth of *November* One thousand eight hundred and thirty-one and the  
‘ Twenty-



‘ is such an Agent. This Declaration shall be confirmed by an  
 ‘ Examination under Oath of the principal Persons of the  
 ‘ Crew or Passengers who have witnessed the Visit or Deten-  
 ‘ tion; and One formal Declaration (Procès verbal) of the  
 ‘ whole shall be drawn up, and Two Copies thereof delivered  
 ‘ to the Master, who shall forward One of them to his own  
 ‘ Government in support of his Claim for Costs and Damages.  
 ‘ It is understood, that if any compulsory Circumstances should  
 ‘ prevent the Master from making his Declaration it may be  
 ‘ made by the Owner, or by any other Person interested in  
 ‘ the Vessel or in her Cargo.

‘ On the official Transmission of One Copy of the former  
 ‘ Declaration (Procès verbal) above mentioned through the  
 ‘ Channel of the respective Embassies the Government of the  
 ‘ Country to which the Officer charged with Abuses or Vexa-  
 ‘ tions shall belong shall forthwith institute an Inquiry into the  
 ‘ Matter, and if the Validity of the Complaint be admitted the  
 ‘ said Government shall cause to be paid to the Master or  
 ‘ Owner or to any other Person interested in the Vessel which  
 ‘ has been molested, or in her Cargo, the Amount of Costs and  
 ‘ Damages which may be due to them.

‘ Article X.—The Two Governments engage reciprocally  
 ‘ to communicate each to the other, free of Expence, and upon  
 ‘ Application being made, Copies of all the Proceedings insti-  
 ‘ tuted and Judgments given relative to Vessels visited or de-  
 ‘ tained in execution of the Provisions of the Convention of the  
 ‘ Thirtieth of *November* One thousand eight hundred and  
 ‘ thirty-one and of the present Convention.

‘ Article XI.—The Two Governments agree to ensure the  
 ‘ immediate Freedom of all Slaves who shall be found on board  
 ‘ Vessels visited and detained in virtue of the Stipulations of  
 ‘ the principal Convention herein-before referred to, or of the  
 ‘ present Convention, whenever the Offence of trafficking in  
 ‘ Slaves shall have been established by the Sentence of the  
 ‘ respective Tribunals. They reserve to themselves, however,  
 ‘ for the Welfare of the Slaves themselves, the Right to employ  
 ‘ them as Servants or free Labourers, conformably to their  
 ‘ respective Laws.

‘ Article XII.—It is hereby agreed between the Two High  
 ‘ Contracting Parties, that in all Cases in which a Vessel, under  
 ‘ the Convention of the Thirtieth of *November* One thousand  
 ‘ eight hundred and thirty-one, or under this Supplementary  
 ‘ Convention, shall be detained by their respective Cruizers as  
 ‘ having been engaged in the Slave Trade, or fitted out for the  
 ‘ Purposes thereof, and shall be placed at the Disposal of either  
 ‘ Government for the Purpose of being sold, in consequence of  
 ‘ a Sentence of Confiscation pronounced by a competent Tri-  
 ‘ bunal, the said Vessel shall be broken up, in whole or in part,  
 ‘ before the Sale, whenever its peculiar Construction or Outfit  
 ‘ shall give Reason to fear that it may be again employed in  
 ‘ the Slave Trade or any other illicit Traffic.

‘ Article XIII.—The present Convention shall be ratified,  
 ‘ and the Ratifications shall be exchanged at *Paris*, within the  
 ‘ Space of One Month, or sooner, if possible.

‘ In witness whereof the above-named Plenipotentiaries have signed in Duplicate the present Convention, and have affixed thereunto the Seals of their Arms.

‘ Done at *Paris* the Twenty-second of *March* One thousand eight hundred and thirty-three.

‘ (Signed) *Granville.* (L.S.)

‘ *V. Broglie.* (L.S.)

‘ *Instructions to Cruizers.*

‘ 1°. Whenever a Merchant Vessel of either of the Two Nations shall be visited by a Cruizer of the other, the Officer commanding the Cruizer shall exhibit to the Master of such Vessel the special Orders which confer upon him the exceptional Right of Visit, and shall deliver to him a Certificate, signed by him, specifying his Rank in the Navy of his Country, with the Name of the Ship which he commands, and declaring that the only Object of such Visit is to ascertain whether the Vessel is engaged in the Slave Trade, or is fitted out for the Purposes of such Traffic. When the Visit is made by another Officer of the Cruizer than her Commander this Officer shall not be under the Rank of Lieutenant in the Navy, and in this Case such Officer shall exhibit to the Master of the Merchant Vessel a Copy of the special Orders above mentioned, signed by the Commander of the Cruizer, and shall likewise deliver to him a Certificate, signed by him, specifying the Rank which he holds in the Navy, the Name of the Commander under whose Orders he is acting, and of the Cruizer to which he belongs, and the Object of his Visit, as herein-before recited. If it shall be ascertained by the Visit that the Ship’s Papers are regular, and her Proceedings lawful, the Officer shall certify upon the Log Book of the Vessel that the Visit took place only in virtue of the special Orders above mentioned, and the Vessel shall be permitted to continue her Course.

‘ 2°. If in consequence of the Visit the Officer commanding the Cruizer shall be of opinion that there are sufficient Grounds for believing that the Vessel is engaged in the Slave Trade, or has been fitted out for that Traffic, and if he shall in consequence determine to detain her, and to have her delivered up to the respective Jurisdiction, he shall forthwith cause a List to be made out in Duplicate of all the Papers found on board, and he shall sign this List and the Duplicate, adding to his Name his Rank in the Navy, and the Name of the Vessel under his Command. He shall in like Manner make out and sign in Duplicate a Declaration stating the Place and Time of the Detention, the Name of the Vessel, that of her Master, and those of the Persons composing her Crew, and also the Number and Condition of the Slaves found on board. This Declaration shall further contain an exact Description of the State of the Vessel and her Cargo.

‘ 3°. The Commander of the Cruizer shall without Delay carry or send the detained Vessel, with her Master, Crew, Cargo, and the Slaves found on board, to one of the Ports herein-after specified, in order that Proceedings may be

‘ delivered over, without Delay, to the Jurisdiction of the  
 ‘ Nation to which they shall belong; it is furthermore distinctly  
 ‘ understood, that they shall only be judged according to the  
 ‘ Laws in force in their respective Countries.

‘ Article VIII.—In no Case shall the Right of mutual  
 ‘ Search be exercised upon the Ships of War of either Nation.

‘ The Two Governments shall agree upon a particular  
 ‘ Signal, with which those Cruizers only shall be furnished  
 ‘ which are invested with this Right, and which Signal shall  
 ‘ not be made known to any other Ship not employed upon  
 ‘ this Service.

‘ Article IX.—The High Contracting Parties to the pre-  
 ‘ sent Treaty agree to invite the other Maritime Powers to  
 ‘ accede to it within as short a Period as possible.

‘ Article X.—The present Convention shall be ratified,  
 ‘ and the Ratifications of it shall be exchanged within One  
 ‘ Month, or sooner, if it be possible.

‘ In Faith of which the Plenipotentiaries have signed the  
 ‘ present Convention, and have affixed thereto the Seal of their  
 ‘ Arms.

‘ Done at *Paris* the Thirtieth *November* One thousand  
 ‘ eight hundred and thirty-one.

‘ (Signed) *Granville.* (L. S.)

‘ (Signed) *Horace Sebastiani.* (L. S.)

‘ *Supplementary Convention between His Majesty and the King*  
 ‘ *of the French for the more effectual Suppression of the*  
 ‘ *Traffic in Slaves, signed at Paris the Twenty-second*  
 ‘ *Day of March One thousand eight hundred and thirty-*  
 ‘ *three.*

‘ His Majesty the King of the United Kingdom of *Great Bri-*  
 ‘ *tain and Ireland* and His Majesty the King of the *French* having  
 ‘ felt the Necessity of developing some of the Clauses contained in  
 ‘ the Convention which was signed between Their Majesties on  
 ‘ the Thirtieth Day of *November* One thousand eight hundred  
 ‘ and thirty-one, relating to the Suppression of the Crime of  
 ‘ Slave Trade, have named as their Plenipotentiaries for this  
 ‘ Purpose; to wit,

‘ His Majesty the King of the United Kingdom of *Great*  
 ‘ *Britain and Ireland* the Right Honourable *Granville* Viscount  
 ‘ *Granville*, Peer of the United Kingdom, Knight Grand Cross  
 ‘ of the Most Honourable Order of the Bath, Member of the  
 ‘ Privy Council of His *Britannic* Majesty, and His Ambassador  
 ‘ Extraordinary and Plenipotentiary to the Court of *France*; and  
 ‘ His Majesty the King of the *French* Monsieur *Charles Leonce*  
 ‘ *Achille Victor Duc de Broglie*, Peer of *France*, Knight of the  
 ‘ Royal Order of the Legion of Honour, Minister and Secretary  
 ‘ of State for the Department of Foreign Affairs; who, after  
 ‘ having exchanged their Powers, which have been found in good  
 ‘ and due Form, have agreed on the following Articles:

‘ Article I.—Whenever a Merchant Vessel navigating  
 ‘ under the Flag of One of the Two Nations shall have been  
 ‘ detained by the Cruizers of the other duly authorized to  
 ‘ that Effect, conformably to the Provisions of the Conven-  
 ‘ tion of the Thirtieth of *November* One thousand eight hun-

‘ dred and thirty-one, such Merchant Vessel, as also her  
 ‘ Master, her Crew, her Cargo, and the Slaves who may be on  
 ‘ board, shall be carried to such Places as shall have been ap-  
 ‘ pointed by the Contracting Parties respectively, in order  
 ‘ that Proceedings may be there instituted respecting them  
 ‘ agreeably to the Law of each Country, and they shall be  
 ‘ delivered over to the Authorities appointed for that Purpose  
 ‘ by the respective Governments.

‘ When the Commander of the Cruizer shall not think  
 ‘ proper to take upon himself the carrying in and delivering  
 ‘ up the detained Vessel he shall not trust that Duty to an  
 ‘ Officer below the Rank of Lieutenant in the Navy.

‘ Article II.—The Cruizers of the Two Nations authorized  
 ‘ to exercise the Right of Visit and Detention, in execution  
 ‘ of the Convention of the Thirtieth of *November* One thou-  
 ‘ sand eight hundred and thirty-one, shall, in all that relates  
 ‘ to the Formalities of the Visit and of the Detention, as well  
 ‘ as to the Measures to be taken for delivering up Vessels  
 ‘ suspected of being engaged in the Slave Trade to the re-  
 ‘ spective Jurisdictions, conform strictly to the Instructions  
 ‘ annexed to the present Convention, and which shall be con-  
 ‘ sidered as an integral Part thereof.

‘ The Two High Contracting Parties reserve to themselves  
 ‘ the Power of making in these Instructions, by common  
 ‘ Consent, any Modifications which Circumstances might  
 ‘ render necessary.

‘ Article III.—It is clearly understood that if the Com-  
 ‘ mander of a Cruizer of One of the Two Nations shall have  
 ‘ Reason to suspect that a Merchant Vessel navigating under  
 ‘ Convoy of or in company with a Vessel of War of the other  
 ‘ Nation has engaged in the Slave Trade, or has been fitted  
 ‘ out for the said Trade, he is to make known his Suspicions  
 ‘ to the Commander of the Convoy or Vessel of War, who  
 ‘ shall proceed alone to visit the suspected Vessel; and in  
 ‘ case the latter Commander should find that the Suspicion  
 ‘ is well founded, he shall cause the Vessel to be taken,  
 ‘ together with her Master, her Crew, and her Cargo, and the  
 ‘ Slaves who may be on board, into a Port of his own Nation,  
 ‘ in order that Proceedings may be instituted with regard  
 ‘ to them agreeably to the respective Laws.

‘ Article IV.—As soon as any Merchant Vessel detained  
 ‘ and sent before the Tribunals aforesaid shall arrive at one  
 ‘ of the Ports respectively pointed out, the Commander of  
 ‘ the Cruizer which shall have detained her, or the Officer  
 ‘ appointed to bring her in, shall deliver to the Authorities  
 ‘ appointed for that Purpose One Copy, signed by him, of all  
 ‘ the Lists, Declarations, and other Documents specified in  
 ‘ the Instructions annexed to the present Convention; and the  
 ‘ said Authorities shall in consequence proceed to a Survey  
 ‘ of the detained Vessel and her Cargo, and to an Inspection  
 ‘ of her Crew, and of the Slaves who may be on board, after  
 ‘ having previously given Notice of the Time of such Survey  
 ‘ and Inspection to the Commander of the Cruizer, or to the  
 ‘ Officer

‘ Officer who shall have brought in the Vessel, in order that he, or some Person in his Behalf, may be present thereat.

‘ A Declaration (*Procès verbal*) of these Proceedings shall be drawn up in Duplicate, signed by the Persons who shall have acted therein, or been present at the same; and one of the said Declarations shall be delivered to the Commander of the Cruizer, or to the Officer who shall have been appointed to bring in the detained Vessel.

‘ Article V.—The Vessels detained as before mentioned, their Masters, Crews, and Cargoes, shall be forthwith proceeded against before the proper Tribunals in the respective Countries according to the established Forms; and if in consequence of such Proceedings the said Vessel shall be found to have been employed in the Slave Trade, or to have been fitted out for the Purposes thereof, the Master, the Crew, and the Accomplices, as well as the Ship and Cargo, shall be dealt with conformably to the respective Laws of the Two Countries.

‘ In case the said Vessels shall be confiscated a Portion of the Proceeds arising from their Sale shall be paid into the Hands of the Government to which the Captor belongs, to be distributed among the Officers and Crew of the capturing Ship. This Portion shall be Sixty-five *per Centum* of the Net Produce of the Sale, as long as such a Distribution of the Proceeds is consistent with the respective Laws of the Two Countries.

‘ Article VI.—Any Merchant Vessel of either of the Two Nations visited and detained in pursuance of the Convention of the Thirtieth Day of *November* One thousand eight hundred and thirty-one, and of the Provisions herein-before recited, shall, unless Proof be given to the contrary, be held and taken of Right to have engaged in the Slave Trade, or to have been fitted out for the Purposes of such Traffic, if any of the Particulars herein-after specified shall be found in her Outfit or Equipment, or on board of her; *videlicet*,

‘ 1°. Having her Hatches fitted with open Gratings, instead of being close Hatches, as usual in Merchant Vessels.

‘ 2°. Having more Divisions or Bulk-heads in the Hold or on Deck than necessary for Trading Vessels.

‘ 3°. Having on board spare Planks, either actually fitted in that Shape, or fit for readily laying a Second or movable Deck or Slave Deck.

‘ 4°. Having on board Shackles, Bolts, or Handcuffs.

‘ 5°. Having on board a Supply of Water more than sufficient for the Consumption of her Crew as a Merchant Vessel.

‘ 6°. Having on board an unreasonable Number of Water Casks or other Vessels for holding Water, unless the Master shall produce a Certificate from the Custom House from the Place at which he cleared outwards, stating that a sufficient Security had been given by the Owner of such Vessel that such Casks or other Vessels should only be used for the Reception of Palm Oil, or be employed in any other lawful Trade.

‘ 7°. Having

‘ 7°. Having on board a greater Quantity of Mess-tubs or Kids than requisite for the Use of her Crew as a Merchant Vessel.

‘ 8°. Having on board Two or more Copper Boilers, or even One evidently larger than requisite for the Use of her Crew as a Merchant Vessel.

‘ 9°. Having on board a Quantity of Rice or Farinha, Flour of the Manioc of *Brazil* or Cassada, or Maize or Indian Corn, beyond any probable requisite Provision for the Use of her Crew, and such Rice, Flour, Maize or Indian Corn not being entered on the Manifest as Part of the Cargo for Trade.

‘ Article VII.—No Compensation shall in any Case be granted either to the Master or to the Owner, or to any other Person interested in the Equipment or Lading of a Merchant Vessel in which any of the Particulars specified in the preceding Article shall be found, even if the Tribunals should not pronounce any Condemnation in consequence of her Detention.

‘ Article VIII.—When a Merchant Vessel of either of the Two Nations shall have been visited and detained illegally or without sufficient Cause of Suspicion, or when the Visit and Detention shall have been attended with any Abuse or vexatious Acts, the Commandet of the Cruizer, or the Officer who shall have boarded the said Vessel, or the Officer who shall have been appointed to bring her in, as the Case may be, shall be liable to Costs and Damages to the Master and to the Owners of the Vessel and Cargo.

‘ These Costs and Damages may be awarded by the Tribunal before which the Proceedings against the detained Vessel, her Master, Crew, and Cargo, shall have been instituted, and the Government of the Country to which the Officer who gave Occasion for such Award shall belong shall pay the Amount of the said Costs and Damages within the Period of One Year from the Date of the Award.

‘ Article IX.—If in the Visit or Detention of a Merchant Vessel, made in virtue of the Provisions of the Convention of the Thirtieth of *November* One thousand eight hundred and thirty-one, or of the present Convention, any Abuse or Vexation shall have been committed, but the Vessel shall not have been delivered over to the Jurisdiction of her own Nation, the Master of the Vessel shall make a Declaration on Oath of the Abuses or Vexations of which he has to complain, and of the Costs and Damages to which he lays Claim, before the competent Authorities in the first Port of his own Country at which he may arrive, or before the Consular Agent of his Nation, if the Vessel proceeds to a Foreign Port where there is such an Agent; this Declaration shall be confirmed by an Examination under Oath of the principal Persons of the Crew or Passengers who have witnessed the Visit or Detention; and One formal Declaration (Procès verbal) of the whole shall be drawn up, and Two Copies thereof delivered to the Master, who shall forward one of them to his own Government in support of his Claim

‘ for Costs and Damages. It is understood that if any compulsory Circumstances should prevent the Master from making his Declaration, it may be made by the Owner, or by any other Person interested in the Vessel or in her Cargo. On the official Transmission of One Copy of the formal Declaration (Procès verbal) above mentioned, through the Channel of the respective Embassies, the Government of the Country to which the Officer charged with Abuses or Vexations shall belong shall forthwith institute an Inquiry into the Matter; and if the Validity of the Complaint be admitted the said Government shall cause to be paid to the Master or Owner or to any other Person interested in the Vessel which has been molested, or in her Cargo, the Amount of Costs and Damages which may be due to them.

‘ Article X.—The Two Governments engage reciprocally to communicate each to the other, free of Expence, and upon Application being made, Copies of all the Proceedings instituted and Judgments given relative to Vessels visited or detained in execution of the Provision of the Convention of the Thirtieth *November* One thousand eight hundred and thirty-one, and of the present Convention.

‘ Article XI.—The Two Governments agree to ensure the immediate Freedom of all Slaves who shall be found on board Vessels visited and detained in virtue of the Stipulations of the principal Convention herein-before referred to, or of the present Convention, whenever the Offence of trafficking in Slaves shall have been established by the Sentence of the respective Tribunals. They reserve to themselves, however, for the Welfare of the Slaves themselves, the Right to employ them as Servants or free Labourers, conformably to their respective Laws.

‘ Article XII.—It is hereby agreed between the Two High Contracting Parties that in all Cases in which a Vessel, under the Convention of the Thirtieth of *November* One thousand eight hundred and thirty-one, or under this Supplementary Convention, shall be detained by their respective Cruizers, as having been engaged in the Slave Trade or fitted out for the Purposes thereof, and shall be placed at the Disposal of either Government for the Purpose of being sold, in consequence of a Sentence of Confiscation pronounced by a competent Tribunal, the said Vessel shall be broken up in whole or in part before the Sale, whenever its peculiar Construction or Outfit shall give Reason to fear that it may be again employed in the Slave Trade or any other illicit Traffic.

‘ Article XIII.—The present Convention shall be ratified, and the Ratifications shall be exchanged at *Paris*, within the Space of One Month, or sooner, if possible.

‘ In witness whereof the above-named Plenipotentiaries have signed in Duplicate the present Convention, and have affixed thereunto the Seals of their Arms.

‘ Done at *Paris* the Twenty-second of *March* One thousand eight hundred and thirty-three.

‘ (Signed) *Granville.* (L.S.)

‘ *V. Broglie.* (L.S.)

*Instructions to Cruizers.*

1°. Whenever a Merchant Vessel of either of the Two Nations shall be visited by a Cruizer of the other, the Officer commanding the Cruizer shall exhibit to the Master of such Vessel the special Orders which confer upon him the exceptional Right of Visit, and shall deliver to him a Certificate, signed by him, specifying his Rank in the Navy of his Country, with the Name of the Ship which he commands, and declaring that the only Object of such Visit is to ascertain whether the Vessel is engaged in the Slave Trade, or is fitted out for the Purposes of such Traffic: When the Visit is made by another Officer of the Cruizer than the Commander, this Officer shall not be under the Rank of Lieutenant in the Navy; and in this Case such Officer shall exhibit to the Master of the Merchant Vessel a Copy of the special Orders above mentioned signed by the Commander of the Cruizer, and shall likewise deliver to him a Certificate, signed by him, specifying the Rank which he holds in the Navy, the Name of the Commander under whose Orders he is acting, and of the Cruizer to which he belongs, and the Object of his Visit, as herein-before recited. If it shall be ascertained by the Visit that the Ship's Papers are regular, and her Proceedings lawful, the Officer shall certify upon the Log Book of the Vessel that the Visit took place only in virtue of the special Orders above mentioned, and the Vessel shall be permitted to continue her Course.

2°. If in consequence of the Visit the Officer commanding the Cruizer shall be of opinion that there are sufficient Grounds for believing that the Vessel is engaged in the Slave Trade, or has been fitted out for that Traffic, and if he shall in consequence determine to detain her, and to have her delivered up to the respective Jurisdiction, he shall forthwith cause a List to be made out, in Duplicate, of all the Papers found on board; and he shall sign this List and the Duplicate, adding to his Name his Rank in the Navy and the Name of the Vessel under his Command; he shall in like Manner make out and sign in Duplicate a Declaration, stating the Place and Time of the Detention, the Name of the Vessel, that of her Master, and those of the Persons composing her Crew, and also the Number and Condition of the Slaves found on board. This Declaration shall further contain an exact Description of the State of the Vessel and her Cargo.

3°. The Commander of the Cruizer shall without Delay carry or send the detained Vessel, with her Master, Crew, Cargo, and the Slaves found on board, to one of the Ports herein-after specified, in order that Proceedings may be instituted in regard to them, conformably to the respective Laws of each Country; and he shall deliver the same to the competent Authorities, or to the Persons who shall have been specially appointed for that Purpose by the respective Governments.

4°. No Person whatever shall be taken out of the detained Vessel, nor shall any Part of her Cargo, nor of the Slaves



' found on board, be removed from her until after such Vessel  
 ' shall have been delivered over to the Authorities of her own  
 ' Nation, excepting only when the Removal of the Whole or  
 ' of Part of the Crew, or of the Slaves found on board, shall  
 ' be deemed necessary, either for the Preservation of their  
 ' Lives or from any other Consideration of Humanity, or for  
 ' the Safety of the Persons who shall be charged with the Na-  
 ' vigation of the Vessel after her Detention; in this Case the  
 ' Commander of the Cruizer, or the Officer appointed to bring  
 ' in the detained Vessel, shall make a Declaration of such  
 ' Removal, in which he shall specify the Reasons for the same;  
 ' and the Masters, Sailors, Passengers, or Slaves so removed  
 ' shall be carried to the same Port as the Vessel and her Cargo,  
 ' and they shall be received in the same Manner as the Vessel,  
 ' agreeably to the Regulations herein-after set forth.

' 5°. All such *French Vessels* as shall be detained by the  
 ' Cruizer of His *Britannic Majesty* on the *African Station*  
 ' shall be carried and delivered up to the *French Jurisdiction*  
 ' at *Goree*.

' All such *French Vessels* as shall be detained by the *British*  
 ' Squadron on the *West India Station* shall be carried and  
 ' delivered up to the *French Jurisdiction* at *Martinique*.

' All such *French Vessels* as shall be detained by the *British*  
 ' Squadron on the *Madagascar Station* shall be carried and  
 ' delivered up to the *French Jurisdiction* at the Isle of *Bourbon*.

' All such *French Vessels* as shall be detained by the *British*  
 ' Squadron on the *Brazilian Station* shall be carried and  
 ' delivered up to the *French Jurisdiction* at *Cayenne*.

' All such *British Vessels* as shall be detained by the Cruizers  
 ' of His Majesty the King of the *French* on the *African Station*  
 ' shall be carried and delivered up to the Jurisdiction of His  
 ' *Britannic Majesty* at *Bathurst* on the River *Gambia*.

' All such *British Vessels* as shall be detained by the *French*  
 ' Squadron on the *West India Station* shall be carried and deli-  
 ' vered up to the *British Jurisdiction* at *Port Royal* in *Jamaica*.

' All such *British Vessels* as shall be detained by the *French*  
 ' Squadron on the *Madagascar Station* shall be carried and  
 ' delivered up to the *British Jurisdiction* at the *Cape of Good*  
 ' *Hope*.

' All such *British Vessels* as shall be detained by the *French*  
 ' Squadron on the *Brazilian Station* shall be carried and  
 ' delivered up to the *British Jurisdiction* at the Colony of *De-*  
 ' *merara*.

' 6°. As soon as a Merchant Vessel which shall have been  
 ' detained as aforesaid shall arrive at one of the Ports or Places  
 ' above mentioned, the Commander of the Cruizer, or the  
 ' Officer appointed to bring in the detained Vessel, shall forth-  
 ' with deliver to the Authorities duly appointed for that Pur-  
 ' pose by the respective Governments the Vessel and her  
 ' Cargo, together with the Master, Crew, Passengers, and  
 ' Slaves found on board, as also the Papers which shall have  
 ' been seized on board the Vessel, and one of the Lists made  
 ' out in Duplicate of the said Papers, the other remaining in  
 ' his Possession. Such Officer shall at the same Time deliver

‘ to the said Authorities One of the Declarations made out in  
 ‘ Duplicate as herein-before specified, adding thereto a State-  
 ‘ ment of any Changes which may have taken place from the  
 ‘ Time of Detention to that of the Delivery, as well as a Copy  
 ‘ of the Declaration of any Removals which may have taken  
 ‘ place as above provided for. In delivering over these several  
 ‘ Documents the Officer will make Attestation of their Truth  
 ‘ on Oath and in Writing.

‘ 7°. If the Commander of a Cruizer of either of the High  
 ‘ Contracting Parties who shall be duly furnished with the  
 ‘ aforesaid special Instructions shall have Reason to suspect  
 ‘ that a Merchant Vessel sailing under Convoy or in company  
 ‘ with a Ship of War of the other Party is engaged in the  
 ‘ Slave Trade, or has been fitted out for the Purpose of that  
 ‘ Traffick, he shall confine himself to the communicating his  
 ‘ Suspicions to the Commander of the Convoy or of the Ship  
 ‘ of War, and he shall leave it to the latter to proceed alone  
 ‘ to a Visit of the suspected Vessel, and to deliver her up, if  
 ‘ the Case require it, to the Jurisdiction of her own Country.

‘ 8°. The Cruizers of the Two Nations shall conform strictly  
 ‘ to the Tenor of these Instructions, which are to be considered  
 ‘ as a Development of the Clauses of the principal Convention  
 ‘ of the Thirtieth of *November* One thousand eight hundred  
 ‘ and thirty-one, as well as of the Convention to which they  
 ‘ are annexed.

‘ The undersigned Plenipotentiaries have agreed, in confor-  
 ‘ mity with the Second Article of the Convention signed by  
 ‘ them on this Day, the Twenty-second of *March* One thou-  
 ‘ sand eight hundred and thirty-three, that the preceding In-  
 ‘ structions shall be annexed to the said Convention, and  
 ‘ considered as an integral Part thereof.

‘ *Paris*, the Twenty-second of *March* One thousand eight  
 ‘ hundred and thirty-three.

‘ (Signed) *Granville.* (L.S.)

‘ *V. Broglie.* (L.S.)

‘ ARTICLE II.—It is agreed, with reference to Article Three  
 ‘ of the Convention of the Thirtieth of *November* One thousand  
 ‘ eight hundred and thirty-one, herein above transcribed, that  
 ‘ His Majesty the King of *Denmark* shall fix, according to his  
 ‘ Convenience, the Number of *Danish* Cruizers which shall be  
 ‘ employed on the Service mentioned in the said Article, and  
 ‘ the Stations on which they shall cruize.

‘ ARTICLE III.—The Government of His Majesty the King  
 ‘ of *Denmark* shall make known to the Government of *Great*  
 ‘ *Britain* and of *France*, conformably to Article Fourth of the  
 ‘ Convention of the Thirtieth of *November* One thousand eight  
 ‘ hundred and thirty-one, the *Danish* Ships of War which are to  
 ‘ be employed in the Suppression of the Trade, in order to  
 ‘ obtain for their Commanders the necessary Warrants; the  
 ‘ Warrants which are to be delivered by *Denmark* shall be issued  
 ‘ as soon as Notification of the Number of *British* and *French*  
 ‘ Cruizers intended to be employed shall be made to the *Danish*  
 ‘ Government.

‘ ARTICLE IV.—It is agreed, with reference to the Fifth

‘ Article of the Instructions annexed to the Supplementary Convention of the Twenty-second of *March* One thousand eight hundred and thirty-three, that all *Danish* Vessels which, in pursuance of the Convention herein above transcribed, may be detained by the Cruizers of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* or of His Majesty the King of the *French*, employed on the *American* Station, shall be carried and delivered to the *Danish* Authorities at *Santa Cruz*.

‘ That all *Danish* Vessels detained by *British* or *French* Cruizers on the *African* Station shall be delivered to the *Danish* Authorities at the Fort of *Christiansburg* on the Gold Coast of *Guinea*.

‘ And that every Vessel under the *Danish* Flag which shall be detained by the *British* or *French* Cruizers employed on the *Madagascar* Station shall be delivered to the Authorities at one or other of the *Danish* Possessions herein above mentioned, or to the *Danish* Authorities at *Tranquebar* in the *East Indies*, if Circumstances shall render the last-mentioned Destination desirable.

‘ ARTICLE V.—The present Treaty shall be ratified, and the Ratifications shall be exchanged at *Copenhagen* in the Space of Three Months, or sooner, if possible.

‘ And whereas the said Treaty was ratified by and between His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, His Majesty the King of the *French*, and His Majesty the King of *Denmark* respectively, and such Ratifications were exchanged on the Nineteenth Day of *October* in the Year of our Lord One thousand eight hundred and thirty-four: And whereas it is expedient and necessary that effectual Provision should be made for carrying into execution the Provisions of the said Treaty: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Officer commanding any Ship of War of His Majesty or of the King of *Denmark*, who shall have such Rank as by the Second Article of the said Convention of the Thirtieth *November* One thousand eight hundred and thirty-one is agreed, and who shall be duly instructed and authorized and furnished according to the several Provisions of the said Two Conventions, and within the Waters described and according to the Provisions and Exceptions contained in the First Article of the said Convention of the Thirtieth *November* One thousand eight hundred and thirty-one, to exercise the Right of visiting and searching any Merchant Vessel of either of the said Two Nations of *Great Britain* and *Denmark* liable to Suspicion and suspected of having engaged in or of having been employed in the Slave Trade, or of having been fitted out for the Purposes of such Traffic, according to the several Provisions and Instructions of the said Two Conventions, except as in the said Third Article of the said Supplementary Convention is excepted; and it shall further be lawful for such Officer, under such Circumstances, and upon sufficient Grounds, to exercise the Right of detaining and of sending or carrying in and delivering over any such Vessel, together with

Any Officer commanding a Ship of War of His Majesty or of the King of Denmark may search Merchant Vessels of either Nations suspected of being engaged in the Slave Trade.

its Master, Sailors, Passengers, Slaves, and Cargo, to the Authorities appointed by the respective Governments of *Great Britain, France, and Denmark* for the Purposes of the said Treaty of the Twenty-sixth of *July* One thousand eight hundred and thirty-four, and to one of the Jurisdictions in the said Instructions mentioned, as the same are altered and modified by the said Treaty, in order that Proceedings may be instituted conformably to the respective Laws of the said Two Countries of *Great Britain and Denmark*; and all such Commanders of His Majesty's Ships are hereby authorized and required, in the Exercise of such Rights of visiting, searching, detaining, sending, carrying in, and delivering as aforesaid, to execute and comply with the said several Provisions and Instructions of the said Two Conventions as apply thereto respectively, and as the same are altered and modified by the said Treaty of the Twenty-sixth of *July* One thousand eight hundred and thirty-four.

II. And be it further enacted, That where any such Officer of His Majesty the King of *Denmark* shall send, carry, or deliver over as aforesaid any such Merchant Vessel, wholly or in part owned by any Subject or Subjects of His Majesty the King of the United Kingdom of *Great Britain and Ireland*, all and every Proceedings instituted in the Tribunals herein-after mentioned in regard to such Merchant Vessel, and its Crew, Cargo, and Slaves, and in respect to the Cause, shall be conducted in the Name of His said Majesty the King of the United Kingdom of *Great Britain and Ireland* by some Person duly thereunto authorized; (that is to say,) all Ships, Cargoes, and Slaves which shall be detained by the Cruizers of His Majesty the King of *Denmark*, and delivered up to the Jurisdiction of His Majesty at *Bathurst* on the River *Gambia*, shall be proceeded against and adjudicated in the Vice Admiralty Court at *Sierra Leone*; and all other Ships, Cargoes, and Slaves which may in like Manner be detained by the Cruizers of His Majesty the King of *Denmark*, and delivered up to the Jurisdiction of His Majesty either at *Jamaica*, the *Cape of Good Hope*, or *Demerara*, shall be proceeded against and adjudicated in the Vice Admiralty Courts established in the said Colonies respectively; and the Judges and other Officers of the said Vice Admiralty Courts respectively are hereby authorized to take cognizance thereof accordingly.

III. And be it further enacted and declared, That if any of the Particulars specified in the Sixth Article of the said Convention of the Twenty-second of *March* One thousand eight hundred and thirty-three shall be found in the Outfit or Equipment of or on board of any such Merchant Vessel, wholly or in part owned as last aforesaid, and visited and detained in pursuance of the said Treaty, such Vessel shall, unless Proof be given to the contrary, be held and taken to have engaged in the Slave Trade, or to have been fitted out for the Purpose of such Traffic, and to be equipped and employed for the Purposes declared unlawful by an Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade*.

IV. And be it further enacted, That in case any such Merchant Vessel, wholly or in part owned as aforesaid, shall be brought in by any Officer of His Majesty the King of *Denmark*, duly authorized,

Any Proceedings instituted against Crew, &c. of captured Vessels to be conducted in Name of the King of Great Britain and Ireland.

If any of the Particulars specified in Sixth Article are found on board a captured Vessel, she shall be deemed engaged in Slave Trade.

5 G. 4. c. 113.

A Portion of the Proceeds arising from Sale of Slave

Vessel captured by a Danish Officer to be paid to King of Denmark.

and shall be confiscated according to the Laws of this Country, and the Provisions of the said Two Conventions (as the same are altered and modified by the said Treaty) and of the said Act of Parliament passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, it shall be lawful for His Majesty the King of the United Kingdom of *Great Britain* and *Ireland* to direct that a Portion of the Proceeds arising from the Sale thereof shall be paid into the Hands of the Government of His Majesty the King of *Denmark*, according to the Provisions of the Fifth Article of the said Convention of the Twenty-second Day of *March* One thousand eight hundred and thirty-three; and any Portion of the Proceeds arising from the Sale of any Ship agreed to be paid into the Hands of the Government of His Majesty the King of the United Kingdom of *Great Britain* and *Ireland*, according to the Provisions of the said Fifth Article, or Cargo, shall be paid to such Person or Persons as the Commissioners of His Majesty's Treasury may direct or appoint to receive the same, to and for the Use of the Captors, according to the Provision of the said Fifth Article, and that the same, after deducting all necessary Expences, shall be distributed to and amongst the Officers and Crew of the capturing Ship, in the Manner herein-after directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

Bounty of Five Pounds to be paid to Commanders and Crews for every Slave found on board a condemned Vessel of either Nation.

V. And be it further enacted, That there shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to the Commanders, Officers, and Crews of His Majesty's Ships authorized to make Seizures under the said Treaty of the Twenty-sixth of *July* One thousand eight hundred and thirty-four, a Bounty of Five Pounds of lawful Money of *Great Britain* for every Man, Woman, and Child Slave seized and found on board a *British* or *Danish* Ship or Vessel taken, delivered over, and condemned in pursuance of the Provisions of the said Treaty and of this Act; such Bounty to be issued and paid by Order from the said Commissioners of His Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid, in such Manner and Proportions as His Majesty, His Heirs and Successors, shall think fit to order and direct by any Order in Council or by any Proclamation to be made for that Purpose.

Bounty to be paid on Production of Certificate of Officers appointed to receive Slaves.

VI. Provided always, and be it further enacted, That in order to entitle the Captors to receive the said Bounty Money the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of His Majesty's Treasury, by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves.

When Slaves are seized but not condemned Lords of the Treasury empowered to grant a Moiety of the Bounty.

VII. And be it further enacted, That where any Slaves, or Persons treated, dealt with, carried, kept, or detained as Slaves, shall be taken or seized on board any *British* or *Danish* Ship or Vessel, in pursuance of the Provisions of the said Treaty and of this Act, but who shall not have been condemned or shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall and may be lawful for the said Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct  
the

the Payment out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over and condemned.

VIII. Provided also, and be it further enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any *Danish* Vessel confiscated in pursuance of the Provisions of the aforesaid Treaty, shall and may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf; and that it shall and may be lawful for the Judge of the said High Court of Admiralty to determine thereon, and also to hear and determine any Question of joint Capture which may arise on any Seizure made in pursuance of this Act, and to enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure.

Persons claiming Benefit of Bounty may resort to High Court of Admiralty for Judgment thereon.

IX. And be it further enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to *Greenwich* Hospital, shall be and are hereby extended to all Bounties and Proceeds to be distributed under the Provisions of this Act to the Officers and Crews of any of His Majesty's Ships or Vessels of War.

Regulations pertaining to the Distribution of Prize Money.

X. And be it further enacted, That where any illegal Visit and Detention, or any Visit and Detention without sufficient Cause of Suspicion, or any Abuse or Vexation, shall have taken place, and have been made by any Officer of His Majesty the King of *Great Britain* and *Ireland*, as is mentioned in the Eighth and Ninth Articles of the said Convention of the Twenty-second of *March* One thousand eight hundred and thirty-three, it shall be lawful for the Commissioners of His Majesty's Treasury, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs and Damages which may be duly awarded according to the Provisions of the said Two last-mentioned Articles: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made when lawfully called upon by Order of the said Commissioners of His Majesty's Treasury.

Where Damages are sustained by illegal Detention of Vessels, the Treasury to make Compensation.

XI. And be it further enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of His Majesty's Ships authorized to make Seizures under the aforesaid Treaty, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of His Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Three or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expences as the Seizor may have incurred in respect of such Seizure, or any proportionate Part thereof.

Where Judgment is given against the Seizor, the Treasury to defray Expences by him incurred.

XII. And be it further enacted, That if any Action or Suit shall be commenced either in *Great Britain* or elsewhere against any Person or Persons for any thing done in pursuance of the said Treaty

Defendant may plead the General Issue, and give this Act in Evidence.

Treaty or of this Act, in as far as it relates thereto, the Defendant or Defendants in such Action or Suit may plead the General Issue and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of the said Treaty or of this Act; and if it shall appear so to have been done, the Jury shall find for the Defendant or Defendants; and if the Plaintiff shall be nonsuited, or discontinue his Action after the Defendant or Defendants shall have appeared, or if Judgment shall be given upon any Verdict or Demurrer against the Plaintiff, the Defendant, or Defendants shall recover Treble Costs, and have the like Remedy for the same as Defendants have in other Cases by Law.

## CAP. LXII.

An Act to repeal an Act of the present Session of Parliament, intituled *An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits*; and to make other Provisions for the Abolition of unnecessary Oaths. [9th September 1835.]

5 W. 4. c. 8.

WHEREAS an Act was passed in the present Session of Parliament, intituled *An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof; and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits*; and it was thereby enacted that the said Act should commence and take effect from and after the First Day of *June* in this present Year, the Year of our Lord One thousand eight hundred and thirty-five, it not being intended that the said recited Act should take effect before the same received the Royal Assent: And whereas the said recited Act did not receive the Royal Assent till after the said First Day of *June* One thousand eight hundred and thirty-five: And whereas it was enacted by the said recited Act, that from and after the First Day of *June* next ensuing it should not be lawful for any Justice of the Peace to administer or receive such voluntary Oaths as are therein mentioned, it being intended that the said Prohibition should take effect from the Time of the Commencement of the said recited Act: And whereas it is expedient to amend the said Act, and to make some further Provisions for the better effecting the Object thereof, and to consolidate all the Provisions relating thereto into One Act: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said recited Act shall be and the same is hereby repealed.

Recited Act repealed.

Lords of the Treasury empowered to substitute a Declaration in

II. And be it further enacted, That in any Case where, by any Act or Acts made or to be made relating to the Revenues of Customs or Excise, the Post Office, the Office of Stamps and Taxes, the Office of Woods and Forests, Land Revenues, Works, and Buildings,

Buildings, the War Office, the Army Pay Office, the Office of the Treasurer of the Navy, the Accountant General of the Navy, or the Ordnance, His Majesty's Treasury, *Chelsea Hospital*, *Greenwich Hospital*, the Board of Trade, or any of the Offices of His Majesty's Principal Secretaries of State, the *India Board*, the Office for auditing the Public Accounts, the National Debt Office, or any Office under the Control, Direction, or Superintendence of the Lords Commissioners of His Majesty's Treasury, or by any official Regulation in any Department, any Oath, solemn Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made by any Person on the doing of any Act, Matter, or Thing, or for the Purpose of verifying any Book, Entry, or Return, or for any other Purpose whatsoever, it shall be lawful for the Lords Commissioners of His Majesty's Treasury or any Three of them, if they shall so think fit, by Writing under their Hands and Seals, to substitute a Declaration to the same Effect as the Oath, solemn Affirmation, or Affidavit which might but for the passing of this Act be required to be taken or made; and the Person who might under the Act or Acts imposing the same be required to take or make such Oath, solemn Affirmation, or Affidavit shall, in Presence of the Commissioners, Collector, other Officer or Person empowered by such Act or Acts to administer such Oath, solemn Affirmation, or Affidavit, make and subscribe such Declaration, and every such Commissioner, Collector, other Officer or Person is hereby empowered and required to administer the same accordingly.

lieu of an Oath, &c. in certain Cases.

III. And be it enacted, That when the said Lords Commissioners of His Majesty's Treasury or any Three of them shall, in any such Case as herein-before mentioned, have substituted, in Writing under their Hands and Seals, a Declaration in lieu of an Oath, solemn Affirmation, or Affidavit, such Lords Commissioners shall, so soon as conveniently may be, cause a Copy of the Instrument substituting such Declaration to be inserted and published in the *London Gazette*; and from and after the Expiration of Twenty-one Days next following the Day of the Date of the Gazette wherein the Copy of such Instrument shall have been published, the Provisions of this Act shall extend and apply to each and every Case specified in such Instrument, as well and in the same Manner as if the same were specified and named in this Act.

Declaration substituted to be published in the Gazette, and after 21 Days from the Date thereof the Provisions of this Act to apply;

IV. And be it enacted, That after the Expiration of the said Twenty-one Days it shall not be lawful for any Commissioner, Collector, Officer, or other Person to administer or cause to be administered, or receive or cause to be received, any Oath, solemn Affirmation, or Affidavit in the lieu of which such Declaration as aforesaid shall have been directed by the Lords Commissioners of His Majesty's Treasury to be substituted.

and no Oath to be administered in lieu of which such Declaration has been directed.

V. And be it enacted, That if any Person shall make and subscribe any such Declaration as herein-before mentioned in lieu of any Oath, solemn Affirmation, or Affidavit by any Act or Acts relating to the Revenues of Customs or Excise, Stamps and Taxes, or Post Office, required to be made on the doing of any Act, Matter, or Thing, or for verifying any Book, Account, Entry, or Return, or for any Purpose whatsoever, and shall wilfully make therein any false Statements as to any material Particular, the Person making the same shall be deemed guilty of a Misdemeanor.

False Declarations in Matters relating to certain Revenues a Misdemeanor.

VI. Provided



Oath of Allegiance still to be required in all Cases.

VI. Provided always, and be it enacted, That nothing in this Act contained shall extend or apply to the Oath of Allegiance in any Case in which the same now is or may be required to be taken by any Person who may be appointed to any Office, but that such Oath of Allegiance shall continue to be required, and shall be administered and taken, as well and in the same Manner as if this Act had not been passed.

Oaths in Courts of Justice, &c. still to be taken.

VII. Provided also, and be it enacted, That nothing in this Act contained shall extend or apply to any Oath, solemn Affirmation, or Affidavit which now is or hereafter may be made or taken, or be required to be made or taken, in any Judicial Proceeding in any Court of Justice, or in any Proceeding for or by way of summary Conviction before any Justice or Justices of the Peace, but all such Oaths, Affirmations, and Affidavits shall continue to be required, and to be administered, taken, and made, as well and in the same Manner as if this Act had not been passed.

Universities of Oxford and Cambridge, and other Bodies, may substitute a Declaration in lieu of an Oath.

VIII. And be it enacted, That it shall be lawful for the Universities of *Oxford* and *Cambridge*, and for all other Bodies Corporate and Politic, and for all Bodies now by Law or Statute, or by any valid Usage, authorized to administer or receive any Oath, solemn Affirmation, or Affidavit, to make Statutes, Bye Laws, or Orders authorizing and directing the Substitution of a Declaration in lieu of any Oath, solemn Affirmation, or Affidavit now required to be taken or made: Provided always, that such Statutes, Bye Laws, or Orders be otherwise duly made and passed according to the Charter, Laws, or Regulations of the particular University, other Body Corporate and Politic, or other Body so authorized as aforesaid.

Churchwarden's and Sidesman's Oath abolished, and a Declaration to be made in lieu thereof.

IX. ' And whereas Persons serving the Offices of Churchwarden and Sidesman are at present required to take an Oath of Office before entering upon the Execution thereof, and also an Oath on quitting such Office, and it is expedient that a Declaration shall be substituted for such Oath of Office, and that the Oath on quitting the same shall be abolished; ' be it enacted, That in future every Person entering upon the Office of Churchwarden or Sidesman, before beginning to discharge the Duties thereof, shall, in lieu of such Oath of Office, make and subscribe, in the Presence of the Ordinary or other Person before whom he would, but for the passing of this Act, be required to take such Oath, a Declaration that he will faithfully and diligently perform the Duties of his Office, and such Ordinary or other Person is hereby empowered and required to administer the same accordingly: Provided always, that no Churchwarden or Sidesman shall in future be required to take any Oath on quitting Office, as has heretofore been practised.

Declaration substituted for Oaths and Affidavits by Persons acting in Turnpike Trusts.

X. And be it enacted, That in any Case where, under any Act or Acts for making, maintaining, or regulating any Highway, or any Road, or any Turnpike Road, or for paving, lighting, watching, or improving any City, Town, or Place, or touching any Trust relating thereto, any Oath, solemn Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made by any Person whomsoever, no such Oath, solemn Affirmation, or Affidavit shall in future be required to be or be taken or made but the Person who might under the Act or Acts imposing the same be required to take or make such Oath, solemn Affirmation, or Affidavit

Affidavit shall, in lieu thereof, in the Presence of the Trustee, Commissioner, or other Person before whom he might under such Act or Acts be required to take or make the same, make and subscribe a Declaration to the same Effect as such Oath, solemn Affirmation, or Affidavit, and such Trustee, Commissioner, or other Person is hereby empowered and required to administer and receive the same.

XI. And be it enacted, That whenever any Person or Persons shall seek to obtain any Patent under the Great Seal for any Discovery or Invention, such Person or Persons shall, in lieu of any Oath, Affirmation, or Affidavit which heretofore has or might be required to be taken or made upon or before obtaining any such Patent, make and subscribe, in the Presence of the Person before whom he might, but for the passing of this Act, be required to take or make such Oath, Affirmation, or Affidavit, a Declaration to the same Effect as such Oath, Affirmation, or Affidavit; and such Declaration, when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath, Affirmation, or Affidavit in lieu whereof it shall have been so made and subscribed.

Declaration substituted for Oaths and Affidavits heretofore required on taking out a Patent.

XII. And be it enacted, That where by any Act or Acts at the Time in force for regulating the Business of Pawnbrokers any Oath, Affirmation, or Affidavit might, but for the passing of this Act, be required to be taken or made, the Person who by or under such Act or Acts might be required to take or make such Oath, Affirmation, or Affidavit shall in lieu thereof make and subscribe a Declaration to the same Effect; and such Declaration shall be made and subscribed at the same Time, and on the same Occasion, and in the Presence of the same Person or Persons, as the Oath, Affirmation, or Affidavit in lieu whereof it shall be made and subscribed would by the Act or Acts directing or requiring the same be directed or required to be taken or made; and all and every the Enactments, Provisions, and Penalties contained in or imposed by any such Act or Acts, as to any Oath, Affirmation, or Affidavit thereby directed or required to be taken or made, shall extend and apply to any Declaration in lieu thereof, as well and in the same Manner as if the same were herein expressly enacted with reference thereto.

Declaration substituted for Oaths and Affidavits required by Acts as to Pawnbrokers.

Penalties as to such Oaths, &c. to apply to Declarations.

XIII. ' And whereas a Practice has prevailed of administering and receiving Oaths and Affidavits voluntarily taken and made in Matters not the Subject of any Judicial Inquiry, nor in anywise pending or at issue before the Justice of the Peace or other Person by whom such Oaths or Affidavits have been administered or received: And whereas Doubts have arisen whether or not such Proceeding is illegal; for the more effectual Suppression of such Practice and removing such Doubts, be it enacted, That from and after the Commencement of this Act it shall not be lawful for any Justice of the Peace or other Person to administer, or cause or allow to be administered, or to receive, or cause or allow to be received, any Oath, Affidavit, or solemn Affirmation touching any Matter or Thing whereof such Justice or other Person hath not Jurisdiction or Cognizance by some Statute in force at the Time being: Provided always, that nothing herein contained shall be construed to extend to any Oath, Affidavit, or solemn Affirmation before any Justice in any Matter or Thing touching the Prescr-

Justices not to administer Oaths, &c. touching Matters whereof they have no Jurisdiction by Statute.

Proviso.

Prescr-

Preservation of the Peace, or the Prosecution, Trial, or Punishment of Offences, or touching any Proceedings before either of the Houses of Parliament or any Committee thereof respectively, nor to any Oath, Affidavit, or Affirmation which may be required by the Laws of any Foreign Country to give Validity to Instruments in Writing designed to be used in such Foreign Countries respectively.

Declaration substituted for Oaths and Affidavits required by Bank of England on the Transfer of Stock.

XIV. And be it further enacted, That in any Case in which it has been the usual Practice of the Bank of *England* to receive Affidavits on Oath to prove the Death of any Proprietor of any Stocks or Funds transferrable there, or to identify the Person of any such Proprietor, or to remove any other Impediment to the Transfer of any such Stocks or Funds, or relating to the Loss, Mutilation, or Defacement of any Bank Note or Bank Post Bill, no such Oath or Affidavit shall in future be required to be taken or made, but in lieu thereof the Person who might have been required to take or make such Oath or Affidavit shall make and subscribe a Declaration to the same Effect as such Oath or Affidavit.

Declaration substituted for Oaths and Affidavits required by 5 G. 2. c. 7. and 54 G. 3. c. 15.

XV. ' And whereas an Act was passed in the Fifth Year of the Reign of His late Majesty King *George the Second*, intituled *An Act for the more easy Recovery of Debts in His Majesty's Plantations and Colonies in America*: And whereas another Act was passed in the Fifty-fourth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for the more easy Recovery of Debts in His Majesty's Colony of New South Wales*: And whereas it is expedient that in future a Declaration should be substituted in lieu of the Affidavit on Oath authorized and required by the said recited Acts; be it therefore enacted, That from and after the Commencement of this Act, in any Action or Suit then depending or thereafter to be brought or intended to be brought in any Court of Law or Equity within any of the Territories, Plantations, Colonies, or Dependencies Abroad, being within and Part of His Majesty's Dominions, for or relating to any Debt or Account wherein any Person residing in *Great Britain* and *Ireland* shall be a Party, or for or relating to any Lands, Tenements, or Hereditaments or other Property situate, lying, and being in the said Places respectively, it shall and may be lawful to and for the Plaintiff or Defendant, and also to and for any Witness to be examined or made use of in such Action or Suit, to verify or prove any Matter or Thing relating thereto by solemn Declaration or Declarations in Writing in the Form in the Schedule hereunto annexed, made before any Justice of the Peace, Notary Public, or other Officer now by Law authorized to administer an Oath, and certified and transmitted under the Signature and Seal of any such Justice, Notary Public duly admitted and practising, or other Officer, which Declaration, and every Declaration relative to such Matter or Thing as aforesaid, in any Foreign Kingdom or State, or to the Voyage of any Ship or Vessel, every such Justice of the Peace, Notary Public, or other Officer shall be and he is hereby authorized and empowered to administer or receive; and every Declaration so made, certified, and transmitted shall in all such Actions and Suits be allowed to be of the same Force and Effect as if the Person or Persons making the same had appeared and sworn or affirmed the Matters contained in such Declaration *vivâ voce* in open Court,

Court, or upon a Commission issued for the Examination of Witnesses or of any Party in such Action or Suit respectively; provided that in every such Declaration there shall be expressed the Addition of the Party making such Declaration, and the particular Place of his or her Abode.

XVI. And be it further enacted, That it shall and may be lawful to and for any attesting Witness to the Execution of any Will or Codicil, Deed or Instrument in Writing, and to and for any other competent Person, to verify and prove the signing, sealing, Publication, or Delivery of any such Will, Codicil, Deed, or Instrument in Writing, by such Declaration in Writing made as aforesaid, and every such Justice, Notary, or other Officer shall be and is hereby authorized and empowered to administer or receive such Declaration.

Declaration in Writing sufficient to prove Execution of any Will, Codicil, &c.

XVII. And be it further enacted, That in all Suits now depending or hereafter to be brought in any Court of Law or Equity by or in behalf of His Majesty, His Heirs and Successors, in any of His said Majesty's Territories, Plantations, Colonies, Possessions, or Dependencies, for or relating to any Debt or Account, that His Majesty, His Heirs and Successors, shall and may prove His and their Debts and Accounts and examine His or their Witness or Witnesses by Declaration, in like Manner as any Subject or Subjects is or are empowered or may do by this present Act.

Suits on behalf of His Majesty to be proved by Declaration.

XVIII. 'And whereas it may be necessary and proper in many Cases herein specified to require Confirmation of written Instruments or Allegations, or Proof of Debts, or of the Execution of Deeds, or other Matters;' be it therefore further enacted, That it shall and may be lawful for any Justice of the Peace, Notary Public, or other Officer now by Law authorized to administer an Oath, to take and receive the Declaration of any Person voluntarily making the same before him in the Form in the Schedule to this Act annexed; and if any Declaration so made shall be false or untrue in any material Particular the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor.

Voluntary Declaration in the Form in the Schedule may be taken.

XIX. And be it enacted, That whenever any Declaration shall be made and subscribed by any Person or Persons under or in pursuance of the Provisions of this Act, or any of them, all and every such Fees or Fee as would have been due and payable on the taking or making any legal Oath, solemn Affirmation, or Affidavit shall be in like Manner due and payable upon making and subscribing such Declaration.

Making false Declaration, a Misdemeanor.

Fees on Oaths payable on Declarations substituted in lieu thereof.

XX. And be it further enacted, That in all Cases where a Declaration in lieu of an Oath shall have been substituted by this Act, or by virtue of any Power or Authority hereby given, or where a Declaration is directed or authorized to be made and subscribed under the Authority of this Act, or of any Power hereby given, although the same be not substituted in lieu of an Oath heretofore legally taken, such Declaration, unless otherwise directed under the Powers hereby given, shall be in the Form prescribed in the Schedule hereunto annexed.

Declarations to be in the Form prescribed by Schedule.

XXI. And be it further enacted, That in any Case where a Declaration is substituted for an Oath under the Authority of this Act, or by virtue of any Power or Authority hereby given, or is directed and authorized to be made and subscribed under the

Persons making false Declaration deemed guilty of a Misdemeanor.

Authority

Authority of this Act, or by virtue of any Power hereby given, any Person who shall wilfully and corruptly make and subscribe any such Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

Act to take effect after 1st October 1835.

XXII. And be it enacted, That this Act shall commence and take effect from and after the First Day of *October* in this present Year, the Year of our Lord One thousand eight hundred and thirty-five.

Act may be amended this Session.

XXIII. And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

### SCHEDULE referred to by the foregoing Act.

I *A. B.* do solemnly and sincerely declare, That and I make this solemn Declaration conscientiously believing the same to be true; and by virtue of the Provisions of an Act made and passed in the . . . . . Year of the Reign of His present Majesty, intituled "An Act" [*here insert the Title of this Act*].

### CAP. LXIII.

An Act to repeal an Act of the Fourth and Fifth Year of His present Majesty relating to Weights and Measures, and to make other Provisions instead thereof.

[9th September 1835.]

4 & 5 W. 4. c. 49.

WHEREAS an Act was passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act to amend and render more effectual Two Acts of the Fifth and Sixth Years of the Reign of His late Majesty King George the Fourth relating to Weights and Measures*: And whereas it is expedient to repeal the same, and to make other Provisions instead thereof: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be and the same is hereby repealed.

Repealed Act.

Nothing herein to interfere with any thing done, or to prevent the Recovery of Penalties, under the repealed Act.

II. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to interfere with any Acts done or Appointments made under the Authority of the said Act, or to prevent the suing for or Recovery of any Penalty incurred by any Offence committed against the Provisions of the said Act previous to the Repeal thereof in and by this Act, or to hinder or defeat any Prosecution commenced or to be brought for such Offence; but all Penalties and Forfeitures so incurred may be sued for and recovered in the same Manner as any Penalties and Forfeitures incurred under the Provisions of this Act are recoverable.

5 G. 4. c. 74.

6 G. 4. c. 12.

III. And whereas an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for ascertaining and establishing Uniformity of Weights and Measures*: And whereas another Act passed in the Sixth Year of the Reign of His said late Majesty, intituled *An Act to prolong the Time of the Commencement of an Act of the last Session* of

of Parliament, for ascertaining and establishing Uniformity of Weights and Measures; and to amend the said Act: And whereas, notwithstanding the Provisions of the said recited Acts, many Sets of Weights and Measures of old accustomed and different Shapes have been made and verified and stamped by the Chamberlains as well as by the Auditor in the Exchequer, as Models of the said new Standards, and have been used as Standard Weights and Measures under the said recited Acts, although different in Shape and Form from the Standards prescribed by the said recited Act of the Fifth Year aforesaid; and it is therefore expedient that such Standard Weights and Measures should be made legal, and that the Comptroller General or some other Officer of the Exchequer duly authorized should be empowered to compare and verify, and stamp as so compared and verified, Standards of Length, Weight, or Measure, although not exact Models and Copies in Shape and Form of the respective Standards of Length, Weight, and Measure deposited under the Provisions of the said first-recited Acts in the Office of the said Chamberlains and Auditor: And whereas it is expedient that the Use of all Weights and Measures not in conformity with the Weights and Measures established by the said recited Acts should be prohibited, and that the Use of the Heaped Measure should be abolished; be it therefore enacted, That so much of the said last-mentioned recited Acts as require that all Weights and Measures shall be Models and Copies in Shape or Form of the Standards deposited in the Exchequer; and also so much of the said recited Acts as allow the Use of Weights and Measures not in conformity with the Imperial Standard Weights and Measures established by the said Acts, or allow Goods or Merchandize to be bought or sold by any Weights or Measures established by local Custom or founded on special Agreement, shall be and the same are hereby repealed.

Provisions in recited Acts as to Models and Copies of Standard Weights and Measures repealed.

IV. And be it enacted, That all Weights and Measures which have been so verified and stamped at the Exchequer at *Westminster* as Copies of the Standard Weights and Measures, corresponding in Weight and Capacity with those established by the said recited Acts, shall be deemed and taken to be legal Weights and Measures, to be used for Comparison as Copies of the Imperial Standard Weights and Measures, although not similar in Shape to those required under the Provisions of the said recited Acts; and that the Comptroller General, or some other Officer of the Exchequer at *Westminster* duly authorized, may compare and verify, and stamp as so compared and verified, as correct Standard Measures of a Yard, and as correct Standard Weights, and as correct Standard Measures of Capacity, any Weights and Measures which shall correspond in Length, Weight, and Capacity with the Standards, or Parts or Multiples thereof respectively, deposited in the Exchequer under the said Act of the Fifth Year aforesaid, although such Weights and Measures may not be Models or Copies in Shape or Form of the Standards so deposited as aforesaid; any thing in the said recited Acts to the contrary notwithstanding.

Weights and Measures stamped at the Exchequer declared legal, although not similar in Shape to those required by recited Acts. Superintending Officer may verify and stamp Weights and Measures of other Form than those prescribed by the Act 5 G. 4. c. 74.

V. And be it enacted, That all Copies of the Imperial Standard Weights and Measures which may have become defective, or have been mended in consequence of any Wear or Accident, shall forth-

Copies of the Standard Weights and Measures, which shall have been

worn and mended, to be sent to the Exchequer to be re-verified.

Officer to keep a Register thereof.

Local and Customary Measures abolished.

Not to prevent Sale of Articles in certain Vessels.

Heaped Measure abolished.

Articles heretofore sold by Heaped Measure, how to be sold.

Coals to be sold by Weight and not by Measure.

with be sent to the Exchequer at *Westminster* for the Purpose of being again compared and verified, and shall be stamped as re-verified Copies of the Imperial Standard Weights and Measures, provided that the Comptroller General or other Officer appointed for such Verification shall deem them fit to be used for the Purposes of Standards; and every new Comparison and Verification shall be indorsed upon the original Indenture of Verification; and such Weights and Measures shall be so stamped upon Payment of Fees of Verification only; and the Comptroller General or other Officer at the Exchequer duly authorized shall keep an Account or Register of all Copies of the Imperial Standard Weights and Measures that shall have been verified at the Exchequer.

VI. And be it enacted, That from and after the passing of this Act the Measure called the *Winchester* Bushel, and the Lineal Measure called the *Scotch* Ell, and all local or customary Measures, shall be abolished; and every Person who shall sell, by any Denomination of Measure other than one of the Imperial Measures, or some Multiple or some aliquot Part, such as Half, the Quarter, the Eighth, the Sixteenth, or the Thirty-second Parts thereof, shall, on Conviction, be liable to a Penalty not exceeding the Sum of Forty Shillings for every such Sale: Provided always, that nothing herein contained shall prevent the Sale of any Articles in any Vessel, where such Vessel is not represented as containing any Amount of Imperial Measure, or of any fixed, local, or customary Measure heretofore in use.

VII. ' And whereas the Heaped Measure is liable to considerable ' Variation;' be it therefore enacted, That from and after the passing of this Act so much of the said recited Acts as relate to the Heaped Measure shall be and are hereby repealed, and the Use of the Heaped Measure shall be abolished, and all Bargains, Sales, and Contracts which shall be made after the passing of this Act by the Heaped Measure shall be null and void; and every Person who shall sell any Articles by the Heaped Measure shall, on Conviction, be liable to a Penalty not exceeding Forty Shillings for every such Sale.

VIII. ' And whereas some Articles heretofore sold by Heaped ' Measure are from their Size and Shape incapable of being ' stricken, and from their Nature and Quality may not be conveniently sold by Weight;' be it therefore enacted, That all such Articles may henceforth be sold by a Bushel Measure, corresponding in Shape with the Bushel prescribed in and by the said Act passed in the Fifth Year of the Reign of His late Majesty for the Sale of Heaped Measure, or by any Multiple or by some aliquot Part, such as the Half, the Quarter, or the Eighth Part thereof, filled in all Parts as nearly to the Level of the Brim as the Size and Shape of the Articles sold will admit: Provided always, that nothing herein contained shall prevent the Sale by Weight of any Article heretofore sold by Heaped Measure.

IX. ' And whereas the Sale of all Coals, Slack, Culm, and ' Cannel of every Description by Weight, and not by Measure, ' would tend greatly to prevent the Commission of Frauds and ' Impositions in the Vend and Delivery of such Coals, Slack, Culm, ' and Cannel of every Description;' be it therefore enacted, That from and after the First Day of *January* One thousand eight hundred

hundred and thirty-six all Coals, Slack, Culm, and Cannel of every Description shall be sold by Weight and not by Measure; and every Person who shall from and after the First Day of *January* One thousand eight hundred and thirty-six sell any Coals, Slack, Culm, or Cannel of every Description by Measure, and not by Weight, shall, on Conviction, be liable to a Penalty not exceeding Forty Shillings for every such Sale.

X. And be it enacted, That from and after the passing of this Act all Articles sold by Weight shall be sold by Avoirdupois Weight, except Gold, Silver, Platina, Diamonds or other precious Stones, which may be sold by Troy Weight, and Drugs, which, when sold by Retail, may be sold by Apothecaries Weight.

All Articles to be sold by Avoirdupois, except as herein stated.

XI. 'And whereas by local Customs in Markets, Towns, and other Places throughout the United Kingdom, the Denomination of the Stone Weight varies;' be it therefore enacted, That from and after the passing of this Act the Weight denominated a Stone shall in all Cases consist of Fourteen Standard Pounds Avoirdupois, and that the Weight denominated an Hundred Weight shall consist of Eight such Stones, and that the Weight denominated a Ton shall consist of Twenty such Hundred Weight: Provided always, that nothing herein contained shall prevent any Bargain, Sale, or Contract being made by any Multiple or by some aliquot Part, such as the Half, the Quarter, the Eighth, or the Sixteenth Part of the Pound Weight.

The Stone Weight, Hundred Weight, and Ton.

XII. And be it enacted, That all Weights which shall be made after the passing of this Act of the Weight of One Pound Avoirdupois or more shall have the Number of Pounds contained in every such Weight stamped or cast on the Top or Side thereof in legible Figures and Letters; and that all Measures of Capacity which shall be made after the passing of this Act shall have their Contents denominated, stamped, or marked on the Outside of such Measures in legible Figures and Letters.

Contents of Weights and Measures to be stamped on them.

XIII. 'And whereas the Use of Weights made of soft Materials affords Facility to Fraud;' be it therefore enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-six no Weight made of Lead or of Pewter, or of any Mixture thereof, shall be stamped or used: Provided always, that nothing herein contained shall prevent the Use of Lead or Pewter, or of any Mixture thereof, in the Manufacture of Weights, if they be wholly and substantially cased with Brass, Copper, or Iron, and legibly stamped or marked "Cased," or shall prevent the Insertion of such a Plug of Lead or Pewter into Weights as shall be *bond fide* necessary for the Purpose of adjusting them and of affixing thereon the Stamp herein-after mentioned.

Weights made of Lead or Pewter not to be stamped.

XIV. And for the Purpose of ascertaining and providing for the Fulfilment of all existing Contracts, and fixing the Payments to be made in consequence of such Contracts or Rents in *England* and *Ireland* payable in Grain or Malt, or in any other Commodity or Thing, and in consequence of any Toll, Rate, or Duty heretofore payable according to the Weights and Measures heretofore in use, where the same shall not have been already ascertained and fixed by Agreement between Parties, or under the Provisions of the said Act of the Fifth Year of His late Majesty; be it enacted, That at the General or Quarter Sessions of the Peace to be holden

For ascertaining certain Rents and Tolls, &c. payable in England and Ireland.



in every County, Riding, or Division, and in every City, Town, or Place (being a County of itself), in *England* or *Ireland*, next after the Expiration of Three Months after the passing of this Act, or at any General or Quarter Sessions of the Peace to be holden thereafter, on the Application of any Party to such Sessions, an Inquisition shall be taken before the Justices assembled at such General or Quarter Sessions, by the Oaths of Twelve substantial Freeholders of the said respective Counties, Cities, Towns, or Places having Lands or Tenements to the Value of One hundred Pounds *per Annum* or upwards, to be summoned by the Sheriff or proper Officers of every such County, City, Town, or Place, to inquire into and ascertain the Amount, according to the Standard of Weight or Measure by this Act established, of all Contracts to be performed or Rents to be paid in Grain or Malt or any other Commodity or Thing, or with reference to the Measure or Weight of any such Grain, Malt, or other Commodity or Thing, and the Amount of any Toll, Rate, or Duty heretofore payable according to any Weights and Measures heretofore in use within such Counties, Cities, Towns, or Places respectively; and in taking such Inquisition Care shall be taken that in every Case in which Grain, Malt, or Meal, or any other Commodity or Thing, having, before the said First Day of *January* One thousand eight hundred and thirty-five, been sold by Weight, shall henceforth be sold by Measure, or having before the said First Day of *January* been sold by Measure shall henceforth be sold by Weight, no Increase or Diminution be made in the Amount of any Rate, Toll, or Duty hereafter payable for such Grain, Malt, or any other Commodity or Thing, due Regard being had to the Substitution of Measure for Weight, or of Weight for Measure, as the Case may be; and such Inquisitions, when taken, shall be transmitted by the respective Clerks of the Peace of the same Counties respectively, or by the Mayor, Bailiff, or other Head Officer of every such City, Town, or Place (being a County of itself), into His Majesty's Court of Exchequer at *Westminster* and *Dublin* respectively, and shall be there enrolled of Record, and shall and may be given in Evidence in any Action or Suit at Law or in Equity; and the Amount so to be ascertained shall, when converted into the Standard Weights and Measures, be the Rule of Payment in regard to all such Contracts, Rents, Tolls, Rates, or Duties in all Time coming; and the Costs and Charges of such Inquisitions and the Enrolments thereof shall be paid and defrayed by the Party on whose Application such Requisition shall be taken.

For ascertaining  
certain Rents,  
Tolls, &c. pay-  
able in Scotland.

XV. And for the Purpose of ascertaining and providing for the Fulfilment of all existing Contracts, and fixing the Payments to be made of all Stipends, Feu Duties, Rents, Tolls, Customs, Casualties, and other Demands whatsoever payable in Grain, Malt, or Meal, or any other Commodity or Thing, in *Scotland*, or in any other Place or District of the same, according to the Weights and Measures heretofore in use, when such Payments shall not have been already ascertained and fixed by Agreement between Parties, or under the Provisions of the said Act of the Fifth Year of His late Majesty; be it enacted, That the Sheriff in each Shire in *Scotland* shall, on the Application of any Party to such Sheriff, as soon as conveniently may be after the Expiration of Three Calendar

Calendar Months from and after the passing of this Act, summon and impanel a Jury, of the same Number and of the same Qualifications which are required in the Jury who strike the Fiar Prices of Grain within the same Shire, to assemble at such Place or Places as he shall find convenient, which Jury shall inquire into and ascertain the Amount, according to the Standards by this Act established, of all such Stipends, Feu Duties, Rents, Tolls, Customs, Casualties, and other Demands whatsoever payable in Grain, Malt, Meal, or any other Commodity or Thing, according to the Weights and Measures heretofore in use within the same Shires; and in taking such Inquisition Care shall be taken that in every Case in which Grain, Malt, or Meal, or any other Commodity or Thing, having, before the First Day of *January* One thousand eight hundred and thirty-five, been sold by Weight shall henceforth be sold by Measure, or having before the said First Day of *January* been sold by Measure shall henceforth be sold by Weight, no Increase or Diminution be made in the Amount of any Stipend, Feu Duty, Rent, Toll, Custom, or Casualty heretofore payable for such Grain, Malt, or any other Commodity or Thing, due Regard being had to the Substitution of Measure for Weight, or of Weight for Measure, as the Case may be; and such Inquisitions, when taken, shall be transmitted by the respective Sheriff Clerks of such Shire into His Majesty's Court of Exchequer at *Edinburgh*, and shall there be enrolled of Record, and shall and may be given in Evidence in any Action at Law; and the Amount so to be ascertained shall, when converted into the Standard Weights and Measures, be the Rule of Payment in regard to all such Stipends, Feu Duties, Rents, Tolls, Customs, Casualties, and other Demands whatsoever in all Time coming; and the Costs and Charges of such Inquisitions and the Enrolment thereof shall be assessed and levied, paid and defrayed, by the Party on whose Application such Inquisition shall have been taken.

XVI. And be it enacted, That in *Scotland*, from and after the passing of this Act, the Fiar Prices of all Grain in every County shall be struck by the Imperial Quarter, and all other Returns of the Prices of Grain shall be set forth by the same, without any Reference to any other Measure whatsoever; and that any Sheriff Clerk, Clerk of a Market, or other Person who shall offend against this Provision shall forfeit a Sum not exceeding Five Pounds.

Regulation as to Fiar Prices of Commodities in Scotland.

XVII. And be it enacted, That in *England*, at the General or Quarter Sessions of the Peace next after the passing of this Act, the Justices of the Peace of every County, Riding, or Division, or County of a City or County of a Town, in General or Quarter Sessions assembled, and in *Scotland* the Justices of the Peace at a Meeting to be called for the Purpose by the Sheriff of each County, and the Magistrates of each Royal Burgh, within Three Months after the passing of this Act, and so from Time to Time at any subsequent General or Quarter Sessions, or Meeting so called as aforesaid, shall determine the Number of Copies of the Imperial Standard Weights and Measures which they shall deem requisite for the Comparison of all Weights and Measures in use within their respective Jurisdictions, and shall direct that such Copies, verified and stamped at the Exchequer, shall be provided for the Use of the same, and shall fix the Places at which such

Copies of the Imperial Standards to be provided by Order of General or Quarter Sessions in England, and by Meetings of Justices in Scotland.

Appointment of Inspectors.

Appointment of  
Inspectors.

Copies shall be deposited, and shall appoint a sufficient Number of Inspectors of Weights and Measures for the safe Custody of such Copies, and for the Discharge of the other Duties herein-after mentioned, and shall allot to each Inspector a separate District, such District to be distinguished by a Number or Mark, and shall direct what reasonable Remuneration shall be paid to such Inspectors for the Discharge of such Duties as they shall have been ordered by such Justices or Magistrates as aforesaid to perform; and they are hereby empowered to suspend or dismiss any Inspector so appointed, or to appoint additional Inspectors, as Occasion may require: Provided always, that nothing herein contained shall extend to compel any Royal Burgh of *Scotland* (except such as are County Towns) to provide Copies of the Imperial Standard Weights and Measures, or to appoint an Inspector or Inspectors for the Performance of the Duties prescribed by this Act; and that it shall be lawful for the Justices of the Peace in any County, and for the Magistrates of any Royal Burgh within such County, where they shall agree, to unite the Whole or a Portion of the County with such Royal Burgh, and to appoint One Inspector therefor, and to provide at their joint Expence Copies of the Imperial Standard Weights and Measures to be used within such united District.

Extending  
Time for  
Operation of  
Act in *Orkney*  
and *Zetland*.

XVIII. ' And whereas by reason of the Difficulty of Communi-  
' cation between the Parts of the Islands of *Orkney* and *Zetland*, it  
' is expedient that further Time should be allowed for bringing  
' this Act into operation in those Islands;' be it enacted, That this  
Act shall not take effect in the Islands of *Orkney* and *Zetland* before  
and until the First Day of *May* One thousand eight hundred and  
thirty-six, any Part of this or any other Statute notwithstanding.

Copies of  
Standards to  
be provided by  
Grand Juries  
in *Ireland*;

XIX. And be it enacted, That in *Ireland* the Grand Jury of  
every County, County of a City, or County of a Town shall, at the  
Assizes, or, where no Assizes are held, at the Presenting Term,  
next ensuing after the passing of this Act, and so from Time to  
Time at any subsequent Assizes or Presenting Term, determine the  
Number of Copies of the Imperial Standard Weights and Mea-  
sures which they shall deem requisite for the Comparison of all  
Weights and Measures in use within their Counties, Counties of  
Cities, or Counties of Towns respectively, and shall direct that such  
Copies, verified and stamped at the Exchequer, shall be provided  
for the Use of the same, and shall fix the Places at which such  
Copies shall be deposited; and shall appoint a sufficient Number  
of Inspectors of Weights and Measures for the safe Custody of  
such Copies, and for the Discharge of the other Duties herein-after  
mentioned, and shall allot to each Inspector a separate District,  
and shall direct what reasonable Remuneration shall be paid to  
such Inspectors; and they are hereby empowered to suspend or  
dismiss any Inspectors so appointed, or to appoint additional In-  
spectors, from Time to Time, as Occasion may require.

and Inspectors  
appointed.

Judges to order  
Copies of Stan-  
dards in Counties  
in *Ireland* when  
it has not been  
done by Grand  
Juries.

XX. And be it enacted, That in *Ireland* the senior Judge  
shall, before the Close of the Assizes next ensuing after the  
passing of this Act, inquire whether One complete Set of such  
Copies of the Imperial Standard Weights, Measures, and Stamps  
has been provided in each County, County of a City, or County  
of a Town; and in every Case in which it shall not appear to him  
that One Set at least of such Copies has been provided, such Judge  
shall

shall forthwith order the Treasurer of the County, County of a City, or County of a Town to provide One complete Set of such Copies; and every such Order shall have the Effect of a Presentment on the County at large for such Sum as may be necessary to procure a complete Set of such Copies; and such Treasurer shall, within Three Calendar Months next after he shall receive such Order, fully execute the same, or failing so to do shall forfeit the Sum of Fifty Pounds Sterling.

XXI. And be it enacted, That in *England* the Justices of the Peace in General or Quarter Sessions assembled, and in *Scotland* the Justices of the Peace and Magistrates at a Meeting called by the Sheriff, and in *Ireland* the Grand Jury of each County, County of a City, or County of a Town, shall provide for the Use of the Inspectors good and sufficient Stamps for the stamping or sealing Weights and Measures used or to be used in each and every County, Riding, or Division, County of a City or County of a Town, which Stamps so provided shall be taken to be the Stamps for such County, Riding, or Division, County of a City or County of a Town; and that all Weights and Measures whatsoever, except as herein-after excepted, which shall be used for buying and selling, or for the collecting of any Tolls or Duties, or for the making of any Charges on the Conveyance of any Goods or Merchandize, shall be examined and compared with One or more of the Copies of the Imperial Standard Weights and Measures provided under the Authority of this Act for the Purpose of Comparison by such Inspectors, who shall stamp, in such Manner as best to prevent Fraud, such Weights and Measures, when so examined and compared, if found to correspond with the said Copies; and the Fees for such Examination, Comparison, and Stamping shall be according to the Scale contained in the Schedule to this Act annexed; and every Person who shall use any Weight or Measure other than those authorized by this Act, or some aliquot Part thereof as herein-before described, or which has not been so stamped as aforesaid, except as herein-after excepted, or which shall be found light or otherwise unjust, shall, on Conviction, forfeit a Sum not exceeding Five Pounds; and any Contract, Bargain, or Sale made by any such Weights or Measures shall be wholly null and void, and every such light or unjust Weight and Measure so used shall, on being discovered by any Inspector so appointed as aforesaid, be seized, and, on Conviction of the Person using or possessing the same, shall be forfeited: Provided always, that nothing herein contained shall extend to require any single Weight above Fifty-six Pounds to be inspected and stamped, such Weight of Fifty-six Pounds being the greatest of the Imperial Standard Weights deposited in the Exchequer; and that nothing herein contained shall extend to require any Wooden or Wicker Measure used in the Sale of Lime, or other Articles of the like Nature, or any Glass or Earthenware Jug or Drinking Cup, though represented as containing the Amount of any Imperial Measure, or of any Multiple thereof, to be stamped; but any Person buying by any Vessel represented as containing the Amount of any Imperial Measure, or of any Multiple thereof, is hereby authorized to require the Contents of such Vessel to be ascertained by a Comparison with a stamped Measure, such stamped Measure to be found and provided by the Person who shall use such

Magistrates in England and Scotland and Grand Juries in Ireland to procure Stamps for Inspectors, for stamping all Weights, &c. under this Act.

Penalty on using Weights or Measures not authorized by Act, &c.

No Weight above 56 lbs. to be inspected or stamped.

Wooden or Wicker Measure, Glass Jug or Drinking Cup as aforesaid; and in case the Person who shall use such last-mentioned Measure or Vessel shall refuse to make such Comparison, or if, upon such Comparison being made, such Wooden or Wicker Measure, Glass Jug or Drinking Cup, shall be found to be deficient in Quantity, the Person who shall use the same shall, on Conviction, be subject to the Forfeitures and Penalties herein-before imposed on any Person using light or unjust Weights or Measures.

Expence of providing Copies of Standard Weights, and the Remuneration to Inspectors, to be defrayed out of County Rate, &c.

XXII. And be it enacted, That the Expence of providing and transmitting such Copies of the Imperial Standard Weights and Measures, and of the Stamps to be used by the Inspectors, and the Remuneration to the Inspectors, shall be paid in *England* out of the Stock raised in such Counties, Ridings, Divisions, or Counties of Cities; and in *Scotland* such Expences in the respective Shires and Stewartries, and Cities or Royal Burghs, shall be assessed by the Commissioners of Supply upon such Shires and Stewartries, and upon Cities or Royal Burghs by the Magistrates thereof, and shall be paid, along with the Land Tax payable in such Shires or Stewartries and Cities or Royal Burghs, to the Collectors of the Land Tax in such Shires or Stewartries and Cities or Royal Burghs respectively; and in *Ireland* such Expences in the respective Counties, Counties of Cities, and Counties of Towns, shall be provided for and paid by Presentments to be made by the Grand Juries on such Counties, Counties of Cities, and Counties of Towns respectively; and the Collectors of Land Tax in *Scotland* shall have such and the same Powers of levying and recovering the Assessments to be made under this Act as are competent to them for levying and recovering the said Land Tax.

No Maker or Seller of Weights or Measures to be appointed Inspector.

Inspectors to enter into Recognizance.

XXIII. And be it enacted, That after the passing of this Act no Maker or Seller of Weights or Measures, or Person employed in the making or selling thereof, shall be appointed an Inspector of Weights and Measures under the Provisions of this Act; and that every Inspector shall forthwith enter into a Bond or Recognizance to the King, to be sued for in any Court of Record, in the Sum of Two hundred Pounds, for the due and punctual Performance of the Duties of his Office, and for the due and punctual Payment, at such Time or Times as he may be directed by the Justices, Magistrates, or other Persons by whom he may have been appointed, of all Fees received by him under the Authority of this Act, and for the Safety of the Stamps and Copies of the Imperial Standard Weights and Measures committed to his Charge, and for their due Restoration and Surrender to such Person or Persons as may be appointed to receive them by the Justices, Magistrates, or other Persons aforesaid, immediately on his Removal or other Cessation from Office.

Inspectors to attend at Market Towns, when ordered by Justices, &c.

XXIV. And be it enacted, That in *England* the Justices in General or Quarter Sessions assembled, and in *Scotland* the Justices or Magistrates at a Meeting called by the Sheriff, and in *Ireland* the Grand Jury of each County, County of a City, or County of a Town, shall determine and appoint on what Day or Days each and every such Inspector shall attend with the Stamps and Copies of the Imperial Standard Weights and Measures in his Custody at each of the several Market Towns, and at such other Places within their respective Jurisdictions as they shall deem expedient; and every such Inspector so attending shall examine, compare, and

stamp if found correct, all such Weights and Measures as shall be brought to him for that Purpose, and shall also upon all Measures and upon all Weights of a Quarter of a Pound and upwards stamp a Number or Mark distinguishing the District in which he acts, and he shall keep a Book, wherein he shall enter Minutes of all such Comparisons, and give, if required, a Certificate under his Hand of every such Stamping; and every Inspector shall, once in every Quarter of a Year, account to the Treasurer of the County, Riding, Division, County of a City or County of a Town, or to such other Persons as shall be duly authorized by those by whom he may have been appointed, for all Fees received by him under this Act, and shall pay the Amount thereof to such Treasurer or other Persons as aforesaid, who shall duly account for the same.

Inspector to pay Fees to Treasurer of County, &c.

XXV. Provided always, and be it enacted, That in the Town of *Berwick-upon-Tweed* and all other Places which have been or shall be hereafter authorized under the Provisions of any Act of Parliament, whether local or otherwise, to appoint Inspectors or Examiners of Weights and Measures, and in all other Places which have been or shall be hereafter by Charter, Act of Parliament, or otherwise, possessed of legal Jurisdiction, and which have been or shall be hereafter provided with Copies of the Imperial Standard Weights and Measures verified and stamped at the Exchequer, it shall be lawful for the Magistrates of such Places, or for any other Persons who may be so authorized as aforesaid, to appoint an Inspector or Inspectors of Weights and Measures within the Limits of their respective Jurisdictions; and such Inspectors so appointed shall, within such Limits exclusively, have the same Powers and discharge the same Duties as the Inspectors of Weights and Measures appointed under this Act by the County Justices or Grand Juries for their respective Counties, and shall account as aforesaid to such Persons as shall be duly authorized by those by whom they may have been appointed for the Amount of the Fees received by them: Provided always, that nothing herein contained shall prevent Inspectors appointed by County Justices or Grand Juries from coming to any Place within the Limits of such other Jurisdiction or Authority as aforesaid, and there inspecting and stamping the Weights and Measures of any Person residing within the District for which such Inspectors may have been appointed; but that any Inspector knowingly stamping any Weight or Measure of any Person residing within the Limits of any local Jurisdiction for which another Inspector may have been legally appointed as aforesaid shall forfeit a Sum not exceeding Twenty Shillings for every Weight or Measure which he may so stamp.

Power to Magistrates of Towns, &c. to appoint Inspectors.

Powers of such Inspectors.

Penalty on Inspector knowingly stamping Weights, &c. of any Person residing out of the District.

XXVI. And be it enacted, That in every City or Town not being a County of itself every Individual or Individuals or Body Corporate in *Ireland* exercising the Privilege of appointing a Weighmaster shall, on or before the First Day of *January* One thousand eight hundred and thirty-six, or within Three Months after the Set of Copies of the Imperial Standard Weights and Measures for the County in which such Right shall be exercised shall have been provided, supply such Weighmaster with accurate Beams and Scales, and with a Set of accurate Copies, in respect of Weight, Capacity, and Length, of the County Set, under a Penalty of Twenty Pounds; and the Accuracy of such Set of Copies shall be certified

Weighmasters in Ireland to be supplied with Beams and Scales, and accurate Copies.

under

under the Hand of some Inspector of Weights and Measures; and such Set of Copies shall, for the Purpose of Comparison and Verification, be considered Copies of the Imperial Standard Weights and Measures required by this Act, and shall be used for no other Purpose whatever, under a Penalty of Five Pounds; and once at least in every Five Years, under the like Penalty, the same shall be re-adjusted by some Set of Copies of the Standard Weights and Measures which shall have been verified by the Exchequer Standard.

Weights and Measures once stamped need not be re-stamped.

XXVII. And be it enacted, That no Weight or Measure duly stamped by any Inspector appointed under the Authority of the said Act hereby repealed, or this Act, or by any other Person or Persons legally authorized to examine and stamp any Weights or Measures, shall be liable to be re-stamped, although the same be used in any other Place than that at which the same was originally stamped, but shall be considered as a legal Weight or Measure throughout the United Kingdom, unless found to be defective or unjust.

Power to Justices and Inspectors to enter Shops and inspect Weights and Measures.

XXVIII. And be it enacted, That in *England* and *Ireland* it shall be lawful for every Justice of the Peace of any County, Riding, or Division, or of any City or Town, and in *Scotland* for every Sheriff, Justice, or Magistrate of any Borough or Town, or for any Inspector authorized in Writing under the Hand of any Justice of the Peace in *England* and *Ireland*, or of any Sheriff, Justice, or Magistrate in *Scotland*, at all seasonable Times to enter any Shop, Store, Warehouse, Stall, Yard, or Place whatsoever within his Jurisdiction, wherein Goods shall be exposed or kept for Sale, or shall be weighed for Conveyance or Carriage, and there to examine all Weights, Measures, Steelyards, or other Weighing Machines, and to compare and try the same with the Copies of the Imperial Standard Weights and Measures required or authorized to be provided under this Act; and if upon such Examination it shall appear that the said Weights or Measures are light or otherwise unjust, the same shall be liable to be seized and forfeited; and the Person or Persons in whose Possession the same shall be found shall, on Conviction, forfeit a Sum not exceeding Five Pounds; and any Person who shall have in his or her Possession a Steelyard or other Weighing Machine which shall on such Examination be found incorrect or otherwise unjust, or who shall neglect or refuse to produce for such Examination, when thereto required, all Weights, Measures, Steelyards, or other Weighing Machines which shall be in his or her Possession, or shall otherwise obstruct or hinder such Examination, shall be liable to a like Penalty.

Penalty on Inspector for Neglect of Duty or for Misconduct.

XXIX. And be it enacted, That in case any Inspector of Weights and Measures, or any other Person legally authorized to examine and stamp any Weights or Measures, shall stamp any Weight or Measure without duly verifying the same by Comparison with a Copy of the Imperial Standard, or shall be guilty of a Breach of any Duty imposed upon him by this Act, or shall otherwise misconduct himself in the Execution of his Office, every such Offender shall, upon Conviction, forfeit a Sum not exceeding Five Pounds for every such Offence.

Penalty for counterfeiting Stamps on Weights and Measures.

XXX. And be it enacted, That if any Person or Persons shall make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or knowingly act or assist in the making, forging, or

or counterfeiting, any Stamp or Mark now used or which may hereafter be used for the stamping or marking of any Weights or Measures under this Act, shall for every such Offence forfeit, on Conviction, a Sum not exceeding Fifty Pounds or less than Ten Pounds; and if any Person shall knowingly sell, utter, dispose of, or expose to Sale any Weight or Measure with such forged or counterfeit Stamp or Mark thereon, every Person so offending shall for every such Offence forfeit, on Conviction, a Sum not exceeding Ten Pounds or less than Forty Shillings; and that all Weights and Measures with such forged or counterfeited Stamps or Marks shall be forfeited and broken up, and the Proceeds thereof shall be disposed of in the Manner herein-after mentioned.

XXXI. And be it enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-six, if any Person or Persons shall print, or if the Clerk of any Market or other Person shall make any Return, Price List, Price Current, or any Journal or other Paper containing Price List or Price Current, in which the Denomination of Weights and Measures quoted or referred to shall denote or imply a greater or less Weight or Measure than is denoted or implied by the same Denomination of the Imperial Weights and Measures under and according to the Provisions of this Act, such Person or Persons or Clerk of the Market shall forfeit and pay any Sum not exceeding Ten Shillings for every Copy of every such Return, Price List, Price Current, Journal or other Paper which he or they shall publish.

Penalty on Price Lists, &c. denoting greater or less Weight or Measure than the same Denomination of Imperial Weight or Measure.

XXXII. And be it enacted, That all Penalties and Forfeitures which shall be incurred under any of the Provisions of the said recited Act of the Fifth Year aforesaid, or this Act, after deducting so much thereof, not exceeding a Moiety, to be paid to the Party on whose Information the Conviction shall take place, as the Justice before whom the Party is convicted shall think fit, shall be paid to the Treasurer of such County, Riding, or Division, County of a City, Corporate Town, or other Place in which they shall be respectively recovered, or to such other Person as shall be duly authorized to receive the same, and be applied to and make Part of the County Stock, or of such other Funds as shall be liable, under the Provisions of this or any other Act, to the Cost of providing and maintaining Copies of the Imperial Standard Weights and Measures; any thing in the said recited Act of the Fifth Year aforesaid to the contrary notwithstanding.

As to Penalties in England and Ireland.

XXXIII. And be it enacted, That in all Counties, Ridings, or Divisions in *England* and *Ireland*, all Penalties and Forfeitures under this Act shall be sued for before Two or more Justices of the Peace at Petty Sessions, or before the Mayor or other Chief Magistrate of any City, Borough, Town, or Place within whose Jurisdiction the Offence shall have been committed; and that the Conviction may be drawn up according to the following Form, or in Words to the like Effect:

Suing for Penalties.

‘ **B**E it remembered, That on the Day of  
 ‘ in the Year of our Lord *A.B.* is con-  
 ‘ victed before us, Two of His Majesty’s Justices of the Peace [or  
 ‘ before me the Mayor or Chief Magistrate of the  
 ‘ City, Borough, &c. of ] for the [here specify the  
 ‘ Offence, and the Time and Place when and where committed, as  
 ‘ the

Form of Conviction.



‘ *the Case may be* ], contrary to an Act passed in the  
 ‘ Year of the Reign of King *William* the Fourth, intituled, &c. [ *as*  
 ‘ *the Case may be* ]; and we [ *or I* ] do adjudge that the said *A.B.*  
 ‘ hath forfeited for his [ *or her* ] said Offence the Sum of [ *here*  
 ‘ *insert the Penalty* ]. Given under our Hands and Seals [ *or my*  
 ‘ Hand and Seal ] the Day and Year first above written.’

Recovery of  
 Penalties ;

by Distress, &c.

XXXIV. And be it enacted, That in *England* and *Ireland* all Penalties and Forfeitures inflicted or imposed by this Act may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of Two or more Justices of the Peace at Petty Sessions, or before the Mayor or other Chief Magistrate of any Borough, City, Town, or Place within whose Jurisdiction the Offence shall have been committed, on Complaint to them or him for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders, by Warrant under the Hands and Seals of such Justices, or Hand and Seal of such Mayor or other Chief Magistrate, who is and are hereby authorized and required to summon and examine any Witnesses of or concerning such Offence, and to hear and determine the same ; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalties or Forfeitures, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the respective Owners of the Goods and Chattels so seized and distrained ; and in case any such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for the said Justices, Mayor, or other Chief Magistrate, to order any Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender can give sufficient Security, to the Satisfaction of such Justices, Mayor, or other Chief Officer, for his or her Appearance before the said Justices, or before some other Justices having Jurisdiction, or before such Mayor or other Chief Magistrate, on such Day as shall be appointed for the Return of such Warrant, such Day not being later than Eight Days from the Day of taking any such Security, and which Security any such Justices, Mayor, or other Chief Magistrate are and is hereby empowered to take by way of Recognizance or otherwise ; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Forfeiture and Costs and Expences aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justices, Mayor, or other Chief Magistrate, upon the Confession of the Offender or otherwise, that he or she hath not sufficient Goods and Chattels whereupon such Penalty or Forfeiture, Costs and Expences, could be levied if a Warrant of Distress were issued, such Justices, Mayor, or other Chief Magistrate shall not be required to issue such Warrant, but in such Case such Justices, Mayor, or other Chief Magistrate is hereby required, by Warrant under their Hands and Seals or his Hand and Seal, to commit such Offender to some Common Gaol or House of Correction for the County, City, Borough, Town, or Place, there to remain without Bail or Mainprize for any Time not exceeding Two Calendar Months, or until such Offender shall have paid such Penalty or Forfeiture, and all Costs and Charges attending

If not sufficient  
 Distress, Offender  
 to be  
 committed to  
 Common Gaol,  
 &c.

attending the Proceedings (to be ascertained by such Justices, Mayor, or other Chief Magistrate), or shall otherwise be discharged by due Course of Law.

XXXV. And be it enacted, That in *England* and *Ireland* all Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace, Mayor, or Chief Magistrate, relating to any Matter or Thing in this Act mentioned or contained, may, within Fourteen Days next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at the then next ensuing General or Quarter Sessions to be held for the City, Borough, or County within which the alleged Cause of Appeal shall arise, first giving Seven Days Notice in Writing of such Intention to appeal, and the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, Mayor, or other Chief Magistrate, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, shall adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such City, Borough, or County; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which may have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Persons aggrieved may appeal to Quarter Sessions.

XXXVI. And be it enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form, or removed.

XXXVII. And be it enacted, That in *Scotland* all Penalties incurred under the Provisions of this Act or of any of the before-recited Acts shall be recoverable, with Expences, either before the Sheriff of the County or the Magistrates of the Burgh or Town Corporate wherein the same may be incurred or where the Offender may reside, or before Two or more Justices of the Peace of such County, at the Instance either of the Procurator Fiscal of Court or any Person who may prosecute for the same; and the whole Penalties, after deducting all Charges and such Remuneration to the Person prosecuting as the said Justices shall think fit, shall be applied in aid of the Funds liable under the Provisions of this Act to the Cost of providing and maintaining Copies of the Imperial Standard Weights and Measures in the Place where such Penalties shall be awarded; and it is hereby provided, that it shall be competent for the said Courts respectively to proceed in a summary Way, and to grant Warrant for bringing the Parties complained of before them, and upon Proof on Oath by One or more credible Witnesses, or on the Confession of the Offender, or

As to Penalties in Scotland.

on

on other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of such Penalties and Expences decerned for, failing Payment within Fourteen Days after Conviction, by Poinding, or by Imprisonment for a Period, at the Discretion of the Court, not exceeding Sixty Days, it being hereby provided that a Record should be preserved of the Charge and of the Judgment pronounced.

Appeal in  
Scotland to  
Commissioners  
of Justiciary at  
Circuit Court.

XXXVIII. And be it enacted, That in *Scotland* if any Person or Persons shall feel themselves aggrieved by the Sentence of any Sheriff, or Magistrates of Burghs or Towns Corporate, or Justices of the Peace, pronounced in any Case arising under this Act, it shall be lawful for such Person or Persons to appeal to the Court of Justiciary at the next Circuit Court, or, where there is no Circuit Court, to the High Court of Justiciary at *Edinburgh*, in the Manner, and under the Rules, Limitations, and Conditions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King *George* the Second, intituled *An Act for taking away and abolishing Heritable Jurisdictions in Scotland*, with this Variation only, that such Person or Persons so appealing shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Penalties and Expences awarded against him or them by the Sentence or Sentences appealed from, in the Event of the Appeal or Appeals being dismissed, together with any additional Expences which shall be awarded by the Court in dismissing the said Appeal; and it shall not be competent to appeal from or to bring the Judgment of any Sheriff or Justices of the Peace acting under this Act under Review by Advocation, Suspension, or Reduction, or in any other Way other than as herein provided.

20 G. 2. c. 43.

Limitation of  
Actions, &c.

XXXIX. And be it enacted, That in all Actions brought against any Person for any thing done in pursuance of this Act, or in the Execution of the Powers or Authorities thereof, such Action shall be laid and brought in the County within which the Cause of Action shall have arisen; and the Defendant or Defendants in such Action may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done in pursuance or by the Authority of this Act; and if they shall appear to have been so done, or that such Action shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant or Defendants; upon which Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action, after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Plaintiff not to  
recover after  
Tender of  
Amends.

XL. And be it enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party  
or

or Parties who shall commit such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall depend, at any Time before Issue joined, to pay into Court such Sum or Sums of Money as he, she, or they shall think fit, whereupon Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

XLI. And be it enacted, That an Act passed in the Parliament of *Ireland* in the Fourth Year of Queen *Anne*, intituled *An Act for regulating Weights used in this Kingdom, and that Salt and Meal shall be sold by Weight*, and another Act passed in the Parliament of the United Kingdom of *Great Britain and Ireland* in the Fifth Year of His late Majesty King *George* the Fourth, intituled *An Act for the Indemnity of Magistrates in Proceedings against Persons using unlawful Weights in Ireland*, shall be and they are hereby repealed, except in so far as they relate to the Appointment, Duties, and Remuneration of Weighmasters.

4 Anne (1.)  
and 5 G. 4.  
c. 110. repealed,  
except so far as  
relate to Duties,  
&c. of Weigh-  
masters.

XLII. Provided always, and be it enacted, That nothing in this Act contained shall interfere with the Powers of the Ward Inquests in respect to Weights and Measures within the City of *London* and Liberties thereof, and the Borough of *Southwark*, nor prohibit, defeat, injure, or lessen the Right of the Mayor and Commonalty and Citizens of the City of *London*, or of the Lord Mayor of the said City for the Time being, with respect to the stamping or sealing Weights and Measures, or concerning the Office of Gauger of Wines, Oils, Honey, and other gaugeable Liquors imported and landed within the City of *London* and Liberties thereof.

Powers of  
Ward Inquests  
in London,  
&c. not to be  
interfered with.

XLIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to prohibit, defeat, injure, or lessen the Rights granted by Charter to the Master, Wardens, and Commonalty of the Mystery of Founders of the City of *London*.

Rights of the  
Founders Com-  
pany reserved.

XLIV. Provided always, and be it enacted, That nothing in this Act contained shall extend to prohibit, defeat, injure, or lessen the Rights or Privileges of either of the Universities of *Oxford* or *Cambridge*, but that the Custody of the Assize, Assay, and Overlooking of Weights and Measures in the City of *Oxford* and its Suburbs, and in the Town of *Cambridge*, shall continue as heretofore and be in the Chancellor, Vice Chancellor, or his Deputy, of the said Universities respectively; and that the Chancellor, Vice Chancellor, or his Deputy, of each of the said Universities for the Time being, and none other, shall have the Power, and is or are hereby authorized, as Occasion may require, to appoint in and for the said City and Suburbs, and in and for the said Town respectively, an Inspector or Inspectors of Weights and Measures, and shall have full Power and Authority to perform and execute all such Matters and Things as are required or are granted to Justices of the Peace of any County, City, Town, or other Jurisdiction in *England* and *Wales*, under the Provisions of this Act, or by any or either of the said recited Acts; and every such Inspector is hereby authorized and empowered to put in force and execute all such Powers and Provisions as are by this Act, or by any or either of the said recited Acts, granted to or required of any Inspector or Inspectors of Weights

Saving the  
Rights of the  
Universities  
of Oxford and  
Cambridge.

Weights and Measures appointed as aforesaid by the Justices of the Peace in Quarter Sessions assembled.

Not to abridge  
the Power of  
the Leet Jury,  
&c.

XLV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to supersede, limit, take away, lessen, or prevent the Authority which any Person or Persons, Bodies Politic or Corporate, or any Person appointed at any Court Leet for any Hundred or Manor, or any Jury or Ward Inquest, may have or possess for the examining, regulating, seizing, breaking, or destroying any Weights, Balances, or Measures within their respective Jurisdictions, or the Power given by any Act or Acts now in force to Justices or other Authorities to appoint Examiners for the Inspection of Weights and Measures.

Act may be  
amended this  
Session.

XLVI. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this Session of Parliament.

#### SCHEDULE OF FEES

To be taken by all INSPECTORS of WEIGHTS and MEASURES appointed under the Authority of this Act.

For examining, comparing, and stamping all Brass Weights, within their respective Jurisdictions :

	<i>s.</i>	<i>d.</i>
Each Half Hundred Weight	0	9
Each Quarter of a Hundred Weight	0	6
Each Stone	0	4
Each Weight under a Stone to a Pound inclusive	0	1
Each Weight under a Pound	0	0½
Each Set of Weights of a Pound and under	0	2

For examining, comparing, and stamping all Iron Weights, or Weights of other Descriptions not made of Brass, within their respective Jurisdictions :

	<i>s.</i>	<i>d.</i>
Each Half Hundred Weight	0	3
Each Quarter of a Hundred Weight	0	2
Each Stone	0	1
Each Weight under a Stone	0	0½
Each Set of Weights of a Pound and under	0	2

For examining, comparing, and stamping all Wooden Measures, within their respective Jurisdictions :

	<i>s.</i>	<i>d.</i>
Each Bushel	0	3
Each Half Bushel	0	2
Each Peck, and all under	0	1
Each Yard	0	0½

For examining, comparing, and stamping all Measures of Capacity of Liquids, made of Copper or other Metal, within their respective Jurisdictions :

	<i>s.</i>	<i>d.</i>
Each Five Gallon	1	0
Each Four Gallon	0	9
Each Three Gallon	0	6
Each Two Gallon	0	4
Each Gallon	0	2
Each Half Gallon	0	1
Each Quart, and under	0	0½

## CAP. LXIV.

An Act to alter certain Duties of Stamps and Assessed Taxes, and to regulate the Collection thereof.

[9th September 1835.]

‘ WHEREAS it is expedient that all Deeds, Bonds, or other Instruments made in *Ireland* for the Purpose of submitting Matters in dispute to Arbitration, and all Awards thereupon, should be exempted from Stamp Duty;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all Deeds, Bonds, Agreements, or other Instruments made and executed in *Ireland*, whereby any Person or Persons shall become bound or agree to submit any Matter in dispute to Arbitration, and also all Awards made in pursuance of any such Submission as aforesaid, shall be and the same are hereby exempted from all Stamp Duty whatsoever.

546 No. 8215  
Agreements to submit to Arbitration and Awards made in *Ireland* exempted from Stamp Duty.

II. ‘ And whereas under and by virtue of the Laws in force in *Great Britain* and *Ireland* respectively Policies of Assurance or Insurance, whereby Insurances are made upon Lives, are chargeable with certain Stamp Duties: And whereas it is expedient to reduce the Stamp Duties chargeable on all such Policies where the Sum insured shall not exceed One hundred Pounds;’ be it therefore enacted, That from and after the passing of this Act all Stamp Duties now payable under any Act or Acts in force in *Great Britain* and *Ireland* respectively upon any Policy of Assurance or Insurance or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Life or Lives, or upon any Event or Contingency relating to or depending upon any Life or Lives, where the Sum insured shall not exceed One hundred Pounds, shall respectively cease and determine, and shall be and the same are hereby repealed.

Stamp Duty in *Great Britain* and *Ireland* on Policies of Insurance on Lives not exceeding 100*l.* repealed.

III. And be it enacted, That from and after the Commencement of this Act, in lieu and instead of the Duties upon Policies of Assurance or Insurance hereby repealed, there shall be raised, levied, collected, and paid in *Great Britain* and *Ireland* respectively, unto and for the Use of His Majesty, His Heirs and Successors, the several Stamp Duties or Sums of Money following; (that is to say,)

Reduced Duties upon Policies of Insurance on Lives not exceeding 100*l.*

For and upon every Policy of Assurance or Insurance or other Instrument, by whatever Name the same shall be called, whereby any Insurance shall be made upon any Life or Lives, or upon any Event or Contingency relating to or depending upon any Life or Lives:

Where the Sum insured shall not exceed Fifty Pounds, the Stamp Duty or Sum of Two Shillings and Sixpence:

And where it shall exceed Fifty Pounds and not exceed One hundred Pounds, the Stamp Duty or Sum of Five Shillings.

IV. ‘ And whereas it is expedient that the Bonds to be made and issued by the *East India* Company for the Payment of any [No. 27. Price 2*d.*]

Commissioners of the Treasury authorised to

D d

‘ definite

compound with  
the East India  
Company for  
the Stamp  
Duties on India  
Bonds.

‘ definite and certain Sum of Money should be freed and exempted  
‘ from all Stamp Duties upon Payment by the said Company of an  
‘ annual Sum as a Composition for and in lieu of such Duties, in  
‘ the Manner herein-after mentioned;’ be it therefore enacted,  
That from and after the passing of this Act it shall be lawful for the  
Commissioners of His Majesty’s Treasury for the Time being, or  
any Three or more of them, from Time to Time to compound and  
agree with the *East India* Company for the Payment by the said  
Company of such an annual Sum of Money as the said Commis-  
sioners shall deem to be a reasonable Composition for and in lieu  
of the Stamp Duties which would otherwise be payable on such  
Bonds as aforesaid, to be made and issued by the said Company at  
any Time during the Term for which such Composition shall be  
made; which said Sum of Money so agreed upon shall be paid to  
the Receiver General of Stamps and Taxes by Two equal half-  
yearly Payments on such Days in every Year during the said Term  
as the said Commissioners shall appoint for that Purpose, and the  
Payment thereof accordingly shall be secured by the Bond of the  
said Company, which is hereby exempted from Stamp Duty; and  
every such Composition shall be made either for One Year or for  
any Term not exceeding Five Years, at the Discretion of the said  
Commissioners, and may be renewed and continued from Time to  
Time for any further Term not exceeding as aforesaid, and for the  
Payment of the same or any greater or less annual Sum as the said  
Commissioners shall deem to be reasonable; and upon such Com-  
position being agreed upon and secured in manner aforesaid, all the  
Bonds for the Payment of any definite and certain Sum or Sums  
of Money which shall be made and issued by the said Company  
during the Term for which such Composition shall be made,  
renewed, or continued shall be and the same are hereby freed and  
exempted from all Stamp Duties.

Transfers in  
England of the  
Territorial  
Debt of the  
East India  
Company to be  
chargeable with  
a Stamp Duty  
of 30s. only.

V. ‘ And whereas under and by virtue of the Laws in force in  
‘ *Great Britain* the Transfer of any Share in the Stock and Funds  
‘ of the *East India* Company, whether upon a Sale or otherwise, is  
‘ subject to a Stamp Duty of One Pound Ten Shillings: And  
‘ whereas a Portion of the Territorial Debt of the said Company  
‘ in *India* may be transferred from the Books of the Company in  
‘ *India* to their Books in *England*, and may be transferrable in such  
‘ last-mentioned Books in the same Manner as the Stock and Funds  
‘ of the said Company commonly called *East India* Stock are now  
‘ transferrable; and it is expedient that all Transfers of the said  
‘ Territorial Debt which may be made in *England* should be subject  
‘ only to the same Amount of Stamp Duty as Transfers of Shares  
‘ in the Stock and Funds of the said Company called *East India*  
‘ Stock are now subject to as aforesaid;’ be it therefore enacted,  
That from and after the passing of this Act every Transfer of any  
Part of the said Territorial Debt in the Books of the said Company  
in *England*, whether upon a Sale thereof or otherwise, shall be  
chargeable with a Stamp Duty of One Pound Ten Shillings and no  
more.

Letters of  
Attorney for  
voting on the  
Election of East  
India Directors

VI. ‘ And whereas under and by virtue of the Laws in force in  
‘ *Great Britain* and *Ireland* respectively Letters or Powers of  
‘ Attorney are chargeable with certain Stamp Duties, and it is  
‘ expedient to exempt from such Duties the Letters or Powers of  
‘ Attorney

‘ Attorney herein-after mentioned;’ be it therefore enacted, That from and after the passing of this Act all Letters or Powers of Attorney for voting on any Election of a Director or Directors of the *East India Company* shall be and the same are hereby exempted from all Stamp Duties whatsoever.

exempted from Stamp Duty.

VII. ‘ And whereas under and by virtue of the Laws in force every Admission of any Person to be a Member of either of the Four Inns of Court in *England* is chargeable with a Stamp Duty of Twenty-five Pounds, and it is expedient to exempt Persons who may be admitted in more than One of the said Inns of Court from the Stamp Duty payable on the latter of such Admissions;’ be it therefore enacted, That from and after the passing of this Act, where any Person who is or shall be admitted a Member of any one of the said Inns of Court shall afterwards be admitted a Member of any other of the said Inns of Court, the latter Admission shall be free of Duty, provided he shall have paid the proper Stamp Duty on his former Admission, according to the Laws then in force.

Members of any one of the Four Inns of Court may be admitted in any other of the said Inns free of Duty.

VIII. ‘ And whereas by an Act passed in the last Session of Parliament, intituled *An Act to continue for Five Years from the Fifth Day of April One thousand eight hundred and thirty-five, and to amend, the Acts for authorizing a Composition for Assessed Taxes*, Persons who had compounded for certain of the Duties of Assessed Taxes under the Acts therein referred to were authorized to continue their former Compositions for a further Term, and Persons who had not so compounded were authorized to compound for the same Duties for the Term and in the Manner and on the Conditions in the said Act mentioned or referred to, provided that such Persons respectively should give Notice of their Intention so to continue their former Compositions or to compound on or before the Fifth Day of *April* One thousand eight hundred and thirty-five in *England*, and on or before the Term of *Whitsunday* in the same Year in *Scotland*, in the Manner in the said Act prescribed; and it is expedient to enlarge the Periods for compounding under the said Act;’ be it therefore enacted, That the several Periods limited by the said last-recited Act for giving any such Notice as aforesaid in *England* and *Scotland* respectively shall be and the same are hereby extended until the First Day of *October* One thousand eight hundred and thirty-five inclusive; and the respective Surveyors to whom such Notices have been or shall be delivered within the Period limited by this Act shall diligently inquire into and examine such Notices, and certify their Assent or Objection thereto at any Time within One Calendar Month next after the Delivery thereof respectively, or at the furthest within One Calendar Month next after the said First Day of *October*; and the respective Commissioners acting in the Execution of the said Acts are hereby authorized and required to enter into Composition with such Persons respectively who have given or shall within the Period limited by this Act give such Notices as aforesaid, subject to the Rules, Regulations, and according to the Provisions of the said recited Act, in like Manner as if such Notices had been delivered within the Time limited by the said recited Act, provided the Contracts of such Compositions respectively shall be executed by the said Commissioners and the Party compounding

4 & 5 W. 4. c. 54. The Time for giving Notice of Intention to compound for Assessed Taxes enlarged until the 1st Oct. 1815.



on or before the First Day of *December* One thousand eight hundred and thirty-five; and which Contracts of Compositions, when executed by the said Commissioners, or any Two or more of them, and by the Party aforesaid, in the Manner by the said recited Act directed, shall be of the like Force and Effect, and subject to the like Powers and Conditions for Payment, to all Intents as if the said Compositions had been entered into under the Directions of the said recited Act: Provided always, that upon every Contract of Composition executed as aforesaid after the First Day of *October* One thousand eight hundred and thirty-five there shall be paid one Moiety of the annual Amount payable under the same within Ten Days next after the Date of such Contract.

Composition on Four-wheel Carriages drawn by One Horse only declared valid.

IX. ' And whereas Doubts have arisen whether Persons are entitled to compound under the said last-recited Act for the Duties on Carriages with Four Wheels and drawn by One Horse only;' for removing such Doubts be it enacted and declared, That it shall be lawful for any Person keeping any Carriage of the Description aforesaid to compound for the Duties on all such Carriages under the said last-recited Act; and that all Contracts of Composition which have been made or entered into, or which within the Time limited by this Act may be made or entered into, under and in conformity with the Provisions of the said recited Act and of this Act, for or in respect of the Duties on any Carriages of the Description aforesaid, shall be and the same are hereby declared to be good, valid, and effectual to all Intents and Purposes whatsoever; and all Persons who have compounded or shall compound for the Duty on any such Carriage shall be at liberty also to set up, keep, and use a Carriage with Four Wheels drawn by Two or more Horses, on Payment of the Difference of Duty, and the Per-centage thereon, in like Manner, and under and subject to the same Conditions, Rules, and Regulations, as Persons who have compounded for a Two-wheel Carriage are by the Laws in force entitled to set up, keep, and use a Carriage with Four Wheels.

Commissioners of the Treasury authorized to appoint Distributors and Sub-Distributors of Stamps to be Collectors of the Land and Assessed Taxes in Scotland.

X. ' And whereas the Revenues arising from the Duties of Stamps and the Land and Assessed Taxes in *Great Britain* are now under the Care and Management of One Consolidated Board of Commissioners of Stamps and Taxes, and it would facilitate the Collection of the Land and Assessed Taxes in *Scotland*, and tend to reduce the Expence of receiving and remitting that Branch of the Public Revenue, if the several Distributors and Sub-Distributors of Stamps or other Persons employed in the Receipt and Collection of the Stamp Duties in *Scotland* were also appointed Collectors of the Land and Assessed Taxes;' be it therefore enacted, That from and after the passing of this Act it shall be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, to appoint such and so many of the Distributors and Sub-Distributors of Stamps in *Scotland*, or such other Persons as the said Commissioners may think fit, to be Collectors or other Officers for collecting and receiving the Land Tax and Assessed Taxes in *Scotland*, and for such Parts of *Scotland* and with such Salaries and Allowances as the said Commissioners of His Majesty's Treasury shall think fit, and such Persons shall hold their respective Offices during the Will and Pleasure of the said Commissioners of His Majesty's Treasury or of the Commissioners

of

of Stamps and Taxes, in such Manner as the said Commissioners of His Majesty's Treasury shall direct; and such Persons shall in all Matters and Things relating to the Execution of their Duties be subject to the Authority, Directions, and Control of the Commissioners of His Majesty's Treasury and the Commissioners of Stamps and Taxes, and shall obey such Orders and Instructions as shall from Time to Time be issued to them by the said Commissioners respectively: Provided always, that the Land Tax Commissioners and Commissioners for putting in execution the Assessed Tax Acts in *Scotland* shall have no Power or Authority whatever to appoint Persons to collect the said Land Tax and Assessed Taxes, or to remove, or call to account or examine, or enforce Payment of Balances due by the Persons appointed by virtue of this Act, any thing in any Act or Acts contained to the contrary notwithstanding: Provided also, that if any Persons other than the Distributors and Sub-Distributors of Stamps in *Scotland* shall be appointed as aforesaid to be Collectors or other Officers as aforesaid, then the Names of such Persons, with their respective Salaries and Allowances, shall be laid by the said Commissioners of His Majesty's Treasury before Parliament within Twenty-one Days after the Commencement of the Session of Parliament which shall next follow every such Appointment.

Proviso.

XI. And be it enacted, That the Collectors and other Officers to be appointed as aforesaid shall, before they shall act in the Execution of their respective Offices, give Security by Bond to His Majesty, His Heirs and Successors, to such an Amount and in such Terms as the Commissioners of Stamps and Taxes shall think fit, and with sufficient Sureties to the Satisfaction of the said Commissioners.

Such Collectors, &amp;c. to give Security.

XII. And be it enacted, That all Bonds, Bills, and Securities whatsoever to be entered into with or given by the Collectors to be appointed under the Provisions of this Act, or their respective Sureties, with relation to the said Duties of Land and Assessed Taxes respectively, shall be free from all Stamp Duty whatever; and no Collector appointed under this Act as aforesaid shall in any Case be liable to or charged with any Stamp Duty, Fee, or Gratuity on his Commission, Warrant, or other Instrument, to be obtained or had, either on his first Appointment or any renewed or succeeding Appointment to be such Collector as aforesaid under this Act, nor to any Fee or Gratuity for any Matter or Thing incident to the Execution of his Office, or for auditing or passing his Accounts, either in His Majesty's Treasury or the Office for Taxes, or any other Office.

Bonds, Commissions, &amp;c. under this Act to be free from Stamp Duty and Fees.

XIII. And whereas by an Act passed in the Forty-third Year of the Reign of King *George* the Third, intituled *An Act for consolidating certain of the Provisions contained in any Act or Acts relating to the Duties under the Management of the Commissioners for the Affairs of Taxes, and for amending the said Acts, so far as the same relate to that Part of Great Britain called Scotland*, it is enacted, that the Land Tax in *Scotland* shall be assessed, raised, levied, and paid under the Regulations of the last-recited Act; and it is expedient to alter the said Enactment; be it therefore enacted, That the Land Tax in *Scotland* shall be recovered, levied, collected, and paid under the same Rules, Regulations, Provisions,

43 G. 3. c. 150. Land Tax in *Scotland* to be collected and paid under the same Rules as the Assessed Taxes.

and Penalties as the Assessed Taxes in *Scotland* now are or may hereafter be recovered, levied, collected, and paid, any thing in the said last-recited Act or any other Act or Acts contained to the contrary thereof in anywise notwithstanding.

44 G. 3. c. 98

XIV. ' And whereas by an Act passed in the Forty-fourth Year of the Reign of King *George* the Third, intituled *An Act to repeal the several Duties under the Commissioners for managing the Duties upon stamped Vellum, Parchment, and Paper in Great Britain, and to grant new and additional Duties in lieu thereof*, a Duty of Two Pounds and Two Shillings, over and above all other Duties, was granted and is now payable in *Great Britain* for every Horse, Mare, or Gelding entered to start or run for any Plate, Prize, Sum of Money, or other Thing whatsoever: And whereas certain Duties of Assessed Taxes, amounting to the Sum of One Pound Eight Shillings and Nine-pence, have also been granted and are now payable in *Great Britain* under Schedule (E.), Number Three, of Two several Acts passed respectively in the Forty-eighth and Fifty-second Years of the Reign of the said King *George* the Third, for every Horse, Mare, or Gelding kept for the Purpose of racing or running for any Plate, Prize, or Sum of Money, or other Thing, or kept in training for any of the said Purposes: And whereas the said several Duties of Two Pounds Two Shillings and One Pound Eight Shillings and Nine-pence are respectively levied and collected by different Officers and under different Rules and Regulations, and it would give Relief to the Persons chargeable therewith, and tend to facilitate the Collection thereof, if the same were reduced in Amount, and assessed and levied in One Sum, in the Manner herein-after mentioned; be it therefore enacted, That from and after the passing of this Act the said several Duties of Two Pounds Two Shillings and One Pound Eight Shillings and Nine-pence granted and now payable as aforesaid under and by virtue of the said several Acts herein-before recited or referred to shall be and the same are hereby severally repealed, save and except as to any Arrears of the said respective Duties, and any Penalties incurred in relation thereto, all which said Arrears and Penalties may be sued for, recovered, levied, and applied in the same Manner as if this Act had not been passed.

Repeal of the Duties granted by the recited Acts on Race Horses.

Duty of *sl.* 10s. per Annum to be charged on Race Horses, in lieu of former Duties.

XV. And be it enacted, That for and in lieu of the said several Duties by this Act repealed as last aforesaid there shall be granted and payable upon all Assessments made or to be made for any Year commencing from or at any Time after the Fifth Day of *April* One thousand eight hundred and thirty-five, for every Horse, Mare, or Gelding kept or used for the Purpose of racing or running for any Plate, Prize, or Sum of Money, or other Thing, or kept in training for any of the said Purposes, whether in the Stables of the Proprietor or Proprietors or of any other Person or Persons, the annual Sum of Three Pounds Ten Shillings, which shall be charged on the Person or Persons having the Custody, Care, or Management of any such Horse, Mare, or Gelding, and shall be assessed, collected, levied, and applied in like Manner, and under the same Provisions, Rules, and Regulations, as the Duties granted and now payable under Schedule (E.) of the said Acts passed respectively in the Forty-eighth and Fifty-second Years of the Reign of

King George the Third are now assessed, collected, levied, and applied.

XVI. ' And whereas by an Act passed in the last Session of Parliament, intituled *An Act to grant Relief from the Duties of Assessed Taxes in certain Cases*, Exemption from Duty for One Horse, Mare, Gelding, or Mule kept and used for the Purpose of riding or drawing any Carriage not chargeable with Duty was granted to every Person occupying a Farm or Estate of less annual Rent or Value than in the said Act is specified, under and subject to the Provisoes and Conditions therein mentioned: And whereas Doubts have arisen as to the Persons entitled to the Relief intended to be granted under the said Exemption; for the Removal whereof be it enacted and declared, That so far as relates to any Assessment of the Duties of Assessed Taxes made or to be made for any Year commencing from or at any Time after the Fifth Day of *April* One thousand eight hundred and thirty-five the said Exemption shall be deemed and construed to extend only to such Occupiers of Farms or Estates under the Rent or Value in the said Act specified as obtain their Livelihood principally by Husbandry on such Farms or Estates in their respective Occupation, under and subject, nevertheless, to the several Provisoes and Conditions in the said recited Act contained.

Exemption granted to Farmers from the Duty on One riding Horse by 4 & 5 W. 4. c. 73. explained and amended.

XVII. ' And whereas under and by virtue of an Act passed in the Fifty-second Year of the Reign of King George the Third, intituled *An Act for granting to His Majesty certain new and additional Duties of Assessed Taxes, and for consolidating the same with the former Duties of Assessed Taxes*, Exemption from the Duties payable for Male Servants retained or employed in the several Capacities mentioned in Schedule (C.), Numbers One and Two, to the said Act annexed, is granted to the several Officers herein-after described, every such Officer retaining or employing as a Servant One Male Person only; (that is to say,) to every Officer serving in any Regiment of Horse or Dragoons under the Rank or not receiving the Pay of a Field Officer, for One Servant, being actually a Soldier in the Regiment, Troop, or Squadron to which such Officer shall belong; and to every Officer serving in any Regiment of Artillery, Infantry, Royal Marines, Royal Garrison Battalions, or Corps of Engineers, for One Servant, being actually a Soldier in the Regiment or Company to which such Officer shall belong: And whereas it is expedient to extend the said Exemption in the Manner herein-after mentioned; be it therefore enacted, That upon all Assessments made or to be made for any Year commencing from or at any Time after the Fifth Day of *April* One thousand eight hundred and thirty-five the said Exemption shall be and the same is hereby extended and granted to all Officers serving in any Regiment of Horse or Dragoons, or in any Regiment of Artillery, Infantry, Royal Marines, Royal Garrison Battalions, or Corps of Engineers, for so many Male Servants, being such Soldiers as aforesaid, as may be allowed to them respectively by the Regulations of the Public Service, in whatever Capacity any such Soldier may be employed, and without regard to any other Male Servants retained or kept by any such Officer, and for which he may be liable to be

Exemption granted to certain Officers by 52 G. 3. c. 93. Sched. (C.) for One Male Servant, being a Soldier, extended to such Number of Servants, being Soldiers, as may be allowed to each Officer by the Regulations of the Service.

assessed: Provided always, that all such Servants shall be duly returned to the Assessor and the Exemption claimed in manner aforesaid.

### CAP. LXV.

An Act for preventing the Publication of Lectures without Consent. [9th September 1835.]

‘ WHEREAS Printers, Publishers, and other Persons have frequently taken the Liberty of printing and publishing Lectures delivered upon divers Subjects, without the Consent of the Authors of such Lectures, or the Persons delivering the same in public, to the great Detriment of such Authors and Lecturers:’  
 Be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of September One thousand eight hundred and thirty-five the Author of any Lecture or Lectures, or the Person to whom he hath sold or otherwise conveyed the Copy thereof, in order to deliver the same in any School, Seminary, Institution, or other Place, or for any other Purpose, shall have the sole Right and Liberty of printing and publishing such Lecture or Lectures; and that if any Person shall, by taking down the same in Short Hand or otherwise in Writing, or in any other Way, obtain or make a Copy of such Lecture or Lectures, and shall print or lithograph or otherwise copy and publish the same, or cause the same to be printed, lithographed, or otherwise copied and published, without Leave of the Author thereof, or of the Person to whom the Author thereof hath sold or otherwise conveyed the same, and every Person who, knowing the same to have been printed or copied and published without such Consent, shall sell, publish, or expose to sale, or cause to be sold, published, or exposed to sale, any such Lecture or Lectures, shall forfeit such printed or otherwise copied Lecture or Lectures, or Parts thereof, together with One Penny for every Sheet thereof which shall be found in his Custody, either printed, lithographed, or copied, or printing, lithographing, or copying, published or exposed to sale, contrary to the true Intent and Meaning of this Act, the one Moiety thereof to His Majesty, His Heirs or Successors, and the other Moiety thereof to any Person who shall sue for the same, to be recovered in any of His Majesty’s Courts of Record in Westminster, by Action of Debt, Bill, Complaint, or Information, in which no Wager of Law, Essoign, Privilege, or Protection, or more than One Impar lance, shall be allowed.

II. And be it further enacted, That any Printer or Publisher of any Newspaper who shall, without such Leave as aforesaid, print and publish in such Newspaper any Lecture or Lectures, shall be deemed and taken to be a Person printing and publishing without Leave within the Provisions of this Act, and liable to the aforesaid Forfeitures and Penalties in respect of such printing and publishing.

III. And be it further enacted, That no Person allowed for certain Fee and Reward, or otherwise, to attend and be present at any

Authors of Lectures, or their Assigns, to have the sole Right of publishing them.

Penalty on other Persons publishing, &c. Lectures without Leave.

Penalty on Printers or Publishers of Newspapers publishing Lectures without Leave.

Persons having Leave to attend Lectures not on

any Lecture delivered in any Place, shall be deemed and taken to be licensed or to have Leave to print, copy, and publish such Lectures only because of having Leave to attend such Lecture or Lectures.

that Account licensed to publish them.

IV. Provided always, That nothing in this Act shall extend to prohibit any Person from printing, copying, and publishing any Lecture or Lectures which have or shall have been printed and published with Leave of the Authors thereof or their Assignees, and whereof the Time hath or shall have expired within which the sole Right to print and publish the same is given by an Act passed in the Eighth Year of the Reign of Queen *Anne*, intituled *An Act for the Encouragement of Learning, by vesting the Copies of printed Books in the Authors or Purchasers of such Copies during the Times therein mentioned*, and by another Act passed in the Fifty-fourth Year of the Reign of King *George the Third*, intituled *An Act to amend the several Acts for the Encouragement of Learning, by securing the Copies and Copyright of printed Books to the Authors of such Books, or their Assigns*, or to any Lectures which have been printed or published before the passing of this Act.

Act not to prohibit the publishing of Lectures after Expiration of the Copyright.

8 Ann. c. 19.

54 G. 3. c. 156.

V. Provided further, That nothing in this Act shall extend to any Lectufe or Lectures, or the printing, copying, or publishing any Lecture or Lectures, or Parts thereof, of the delivering of which Notice in Writing shall not have been given to Two Justices living within Five Miles from the Place where such Lecture or Lectures shall be delivered Two Days at the least before delivering the same, or to any Lecture or Lectures delivered in any University or public School or College, or on any public Foundation, or by any Individual in virtue of or according to any Gift, Endowment, or Foundation; and that the Law relating thereto shall remain the same as if this Act had not been passed.

Act not to extend to Lectures delivered in unlicensed Places, &c.

## CAP. LXVI.

An Act to amend the Law relating to the Customs.

[9th September 1835.]

WHEREAS an Act was passed in the Third and Fourth Years of His present Majesty, intituled *An Act for granting Duties of Customs*; and it is expedient to alter and amend the same in manner herein-after provided: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, instead of the Duties now payable under the said Act upon Coffee the Produce of the *British Possessions* within the Limits of the *East India Company's Charter*, and imported from such Possessions, and upon Coffee the Produce of *Sierra Leone*, and imported from thence, there shall be paid for every Pound of such Coffee a Duty of Sixpence; and instead of the Duty now payable under the said Act upon rough Rice or Paddy, the Produce of the West Coast of *Africa*, imported from a *British Possession* on that Coast, there shall be paid for every Bushel of such Rice a Duty of One Penny; and that for every Hundred Weight of Pearl or Pot Ashes of Foreign Production imported from a *British Possession* in *Europe* there

repealed by 49 & c. 85

3 & 4 W. 4 c. 56.  
Regulating the Duty on Coffee and the other Articles herein mentioned.

there shall be paid a Duty of Six Shillings; any thing in the said Act permitting such Ashes to be so imported Duty-free to the contrary notwithstanding.

Regulating the Entry of Coffee the Produce of British Possessions in the East Indies.

II. And be it further enacted, That no Coffee shall be entered as being the Produce of any *British* Possession within the Limits of the *East India* Company's Charter unless the Master of the Ship importing the same shall have delivered to the Collector or Controller a Certificate under the Hand and Seal of the proper Officer at the Place where such Coffee was taken on board, testifying that a Declaration in Writing had been made and signed before him (the Contents of which he had examined and believed to be true) by the Shipper of such Coffee, that the same was really and *bonâ fide* the Produce of some such *British* Possession, nor unless such Master shall also make and subscribe a Declaration before the Collector or Controller that such Certificate was received by him at the Place where such Coffee was taken on board, and that the Coffee so imported is the same as is mentioned therein.

Duties to be collected as Duties imposed by former Act.

III. And be it further enacted, That the Duties imposed by this Act shall be raised, levied, collected, and paid unto His Majesty in like Manner as if such Duties had been imposed by the said former Act, and had been set forth in the Table of Duties thereunto annexed.

Proviso in 3 & 4 W. 4. c. 56., as to Damage done to Goods warehoused, not to extend to Damage by Fire.

IV. ' And whereas by another Act passed in the said Third and Fourth Years of His Majesty's Reign, intituled *An Act for the warehousing of Goods*, it is provided that Damage occasioned by Embezzlement, Waste, Spoil, or Destruction of any Goods or Merchandize warehoused in Warehouses under the Authority of the said Act, by or through any wilful Misconduct of any Officer or Officers of Customs or Excise, shall be repaid and made good to the Importer, Consignee, or Proprietor, by the Commissioners of Customs or Excise, under such Orders, Regulations, and Directions as shall be for that Purpose made and given by the Commissioners of His Majesty's Treasury, or any Three of them; and it is expedient to amend the said Act in this respect; ' be it therefore enacted, That nothing in the said Act contained shall extend or be deemed or taken to extend to any Damage or Loss occasioned by Fire.

## CAP. LXVII.

An Act for the Improvement of the Navigation of the River *Shannon*. [9th September 1835.]

243/661  
 ' WHEREAS the Improvement of the Navigation of the River *Shannon*, from its Source in *Lough Allen* in the County of *Leitrim* to the Mouth of the said River, will contribute to the general Prosperity, Commerce, Agriculture, and Revenue of *Ireland*, and also tend to the Advantage and Improvement of the respective Counties and Districts adjoining such Navigation: ' And whereas certain Surveys have been made under the Direction of the Lord Lieutenant of *Ireland*, whereby it appears that the whole Course of the said River, embracing Two hundred and thirty-two Miles of continuous Navigation, may be improved and thrown open and rendered effectually navigable by the Execution of divers proposed Works; and it is expedient that the ' necessary

necessary Works should be executed under the Direction of the Commissioners for the Promotion and Extension of Public Works in Ireland, and the Control and Conservation of such Navigation vested in them; and that the Expenditure attendant upon the Improvement of the said Navigation shall in the first instance (when the Plans, Estimates, and Specifications for the proposed Works, together with the Conditions under which such Works shall be proposed to be executed, shall have been submitted to and approved of by Parliament,) be defrayed out of the Public Revenue, and that one Moiety of the Sum so advanced shall be a free Grant for the Improvement of such Navigation, and the other Moiety repaid by Twelve half-yearly Instalments out of the Surplus of the Produce of such Tolls as may accrue from the said Navigation, after defraying the Expences of maintaining the said Navigation; and in case the Surplus of such Tolls should prove insufficient in any Year to pay the annual Instalment then due, that the Deficit shall be made good by a local Rate or Assessment upon the Counties and Districts adjoining such Navigation, and benefited by the Improvement thereof, in such Shares and Proportions as may be fixed and established in manner herein-after mentioned, according to the particular Extent of Benefit arising out of such Improvement of the said Navigation to each of the said Counties and Districts respectively: And whereas it is expedient, with a view to the Improvement of the said Navigation in the most judicious, effectual, and economical Manner, that the Works necessary to be executed for that Purpose should be previously ascertained, and an Estimate made of the Expence attendant thereon, and of the Sum required to be paid for the Compensation of the several Persons possessed of any Right of Fishery or other Right in anywise injured or prejudiced by the said proposed Works, and for the Purchase of any Lands or Tenements required to be taken for the Erection of Wharfs, Piers, Landing Places, or other Purposes connected with the said Navigation: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Lords Commissioners of His Majesty's Treasury, or any Three or more of them, by Warrant under their Hands, to constitute and appoint Three or more Persons to be Commissioners for the Purpose of ascertaining the Works necessary to be executed for the Improvement of the said Navigation, and making an Estimate of the Expence thereof, and inquiring into and determining the Proportions in which the several Counties and Districts adjacent to such Navigation and benefited by the Improvement thereof should contribute towards making good the Proportion of such Expence which may, in defect of the surplus Tolls arising from such Navigation being adequate to that Purpose as herein-before mentioned, fall upon such Counties and Districts, and for the other Purposes of this Act.

Lords of Treasury may appoint Commissioners for carrying this Act into execution.

II. And be it enacted, That the said Commissioners so to be appointed under this Act shall each of them, previously to his entering upon the Execution of such Commission, take an Oath before one of the Justices or Barons of one of His Majesty's Superior Courts of

Commissioners appointed shall swear duly to execute the Trusts committed to them.



of Record at *Dublin* (which Oath they are hereby respectively authorized to administer) of the Tenor herein-after following; (that is to say,)

‘ I *A. B.* do swear, That I will faithfully and impartially, according to the best of my Judgment, execute the several Powers and Trusts vested in me by an Act, intituled [*here set out the Title of this Act.*]

Commissioners may meet from Time to Time, and employ the necessary Officers.

III. And be it enacted, That the said Commissioners may meet and sit from Time to Time in such Place or Places as they shall find most convenient, with or without Adjournment; and that all Acts, Matters, and Things which the said Commissioners for the Execution of this Act are by this Act authorized to do or execute may be done and executed by any Three or more of them; and that they shall and may, with the Consent and Approbation of the said Lords Commissioners of the Treasury, employ such Officers as they may find necessary, and that all and every the Persons so employed in any such Capacity may from Time to Time be dismissed at the Pleasure of the said Commissioners, and any other Person or Persons, with the like Consent and Approbation, appointed in his or their Stead.

Commissioners to arrange the Mode of improving the Shannon, and prepare Plans, &c. to be laid before the Treasury.

IV. And be it enacted, That the several Surveys, Maps, and Plans heretofore made, under the Direction of the Lord Lieutenant of *Ireland*, of the said Navigation, and all other Papers and Documents relating to the same and material to the Purposes of this Act, shall be delivered to the said Commissioners to be appointed under this Act, and that they shall take the same into their Consideration, and cause such other Surveys, Maps, Plans, and Sections as they shall find necessary to be made, and inquire into and ascertain, by the Examination of Witnesses, and all such other Ways and Means as they shall think proper, the most effectual and judicious Mode of improving the said Navigation and of opening and clearing the said River *Shannon* from its Source to the Sea, and of carrying into execution all such Works as they shall find necessary in relation thereto; and shall likewise ascertain the proper and convenient Places for the Formation of such Havens, Piers, Wharfs, and Landing Places as they shall think necessary, distinguishing such of them as ought to form Part of the Works to be undertaken in pursuance of this Act under the Direction of the said Commissioners for the Promotion and Extension of Public Works in *Ireland*, and such of them as may be conveniently left to individual Enterprise; and, having made such Inquiry, the said Commissioners for the Execution of this Act shall, if necessary, make out a Plan and Estimate, with proper Plans, Maps, Drawings, and Sections, and Elevations thereto attached, showing and describing the said Navigation and the several Works proper in their Judgment to be executed for the clearing and improving the same, and for confining the Waters thereof, and preventing the Inundation of the contiguous Lands, and the proper Places for the Erection of Toll Houses; and it shall be lawful for the said Lords Commissioners of the Treasury from Time to Time to give such Orders and Directions as they shall think proper, defining the Duties of the said Commissioners for the Execution of this Act in respect of such Matters, and the Extent of their Inquiries; and the said Commissioners for the Execution of this Act shall obey

and observe all such Orders and Directions as aforesaid which shall from Time to Time be signified to them by the said Lords Commissioners of the Treasury.

V. And be it enacted, That for the Purposes of such Survey and Inquiry, or any other of the Purposes of this Act, it shall and may be lawful for the said Commissioners for the Execution of this Act, by themselves, their Surveyors, Engineers, Agents, Officers, and Workmen, to enter upon any Lands or Premises being near or contiguous to the said River *Shannon*, or any of the Rivers or Streams connected therewith, and, if necessary, to dig or bore therein; and that for the Purposes aforesaid it shall be in like Manner lawful for the said Commissioners for the Execution of this Act, their Surveyors, Engineers, Agents, Officers, and Workmen, to raise and examine any Weir, Sluice, or Flood Gate erected in or upon the said River *Shannon* or any other of the Rivers or Streams aforesaid, and to make any Soundings, or bore the Bed or Channel of any Part of the said River *Shannon*, or of any Rivers or Streams, or Mill Course or Dam connected therewith, in what Person, Company, or Corporation soever the Navigation, Control, Direction, or Property in such River or Stream, or Mill Course or Dam, may be in anywise vested.

Commissioners may enter Lands, &c. for the Purposes of this Act.

VI. And be it enacted, That the said Commissioners for the Execution of this Act, having ascertained and determined upon the Works proper in their Judgment to be executed for the Purpose of improving and completing the said Navigation, shall prepare a Schedule, with such Maps and Plans thereto attached as may be necessary, showing and describing the Lands, Tenements, or Hereditaments required to be taken for the Purposes of this Act, and the Mills, Weirs, Fisheries, or other Rights or Franchises, so far as they may be known to the said Commissioners, liable to be anywise injuriously affected by the proposed Works, and shall cause Copies thereof to be made and deposited in such and so many convenient Places in the Vicinity of such Navigation, and of the Premises mentioned in such Schedule, as they shall think proper, there to remain open to public Inspection at all reasonable Times for Three successive Weeks, and shall cause Notices of the Place or Places where the same may be deposited to be posted in the usual Places for posting Grand Jury Notices in each adjacent Barony or Half Barony, and shall also cause a like Notice to be inserted once in each Week for three successive Weeks in the *Dublin Gazette*, and in some One or more Newspapers circulating in the Neighbourhood of such Navigation; and the said Commissioners shall also cause a Notice in Writing to be delivered to or left at the usual Place of Abode of the Owners or Occupiers or reputed Owners or Occupiers (where the same may be known to the said Commissioners) of all such Lands, Tenements, and Hereditaments, Mills, Weirs, Fisheries, or other Rights or Franchises required to be taken for or liable to be injuriously affected by the said proposed Works, requiring such Owners and Occupiers to prefer their respective Claims before the said Commissioners for the Value of such Property, or the Compensation to be allowed for any Prejudice or Injury resulting thereto from such Works.

Commissioners to prepare a Schedule of Lands, &c. to be taken for the Purposes of this Act, which shall be left open for Inspection at certain Places, and Notice given thereof.

VII. And be it enacted, That any Person having or claiming to have any Right, Title, or Interest in or to any Lands, Tenements, or

Commissioners to adjudicate upon Claims or

for Damages,  
&c. arising  
under the  
Execution of  
this Act.

or Hereditaments, Mill, Weir, Fishery, or other Right or Franchise liable to be in anywise injured or damaged by the said proposed Works, or required to be taken for the Purposes thereof, whether the same shall be included in the said Schedule or otherwise, shall and may, within such Time and in such Manner and Form as the said Commissioners for the Execution of this Act shall by some general Rules to be by them framed and published notify and appoint, apply to the said Commissioners, stating the Value of their respective Properties, and claiming the same, or the Compensation to be allowed for any Injury or Damage resulting or which may result thereto from such Works; and the said Commissioners shall proceed, in the Manner prescribed by such general Rules to be by them established as aforesaid, to inquire into and adjudicate upon such Claims, and shall, after due Inquiry and Examination, assess and declare the Value of the several Lands, Tenements, or Hereditaments required to be purchased for the Purposes of the said Works so proposed to be executed for the Improvement and Completion of the said Navigation, and the Amount of Compensation to be allowed to the Owners of any Mill, Weir, Fishery, or other Right or Franchise of what Nature soever, necessary to be extinguished or liable to be anywise injuriously affected by such Works, and shall fix such Value or Compensation as of an Estate in Fee Simple or the absolute and entire Estate and Interest therein, without specifying the Person or Persons entitled to or interested therein, or the Value of their respective Shares and Interest, or the Amount of Compensation due to them severally; and having ascertained and declared the Value of such Lands, Tenements, or Hereditaments, and the Amount of such Compensation in each such Case as aforesaid, the said Commissioners for the Execution of this Act shall by public Advertisement and otherwise, as the said Lords Commissioners of the Treasury shall direct, notify and appoint a Time and Place for the Confirmation of their said Award and Adjudication, and shall attend at such Time and Place, and shall thereat or at some Adjournment therefrom proceed in open Court to declare such Award and Adjudication on each Case, and hear all such Objections which may be offered thereto by any Person whatsoever, and receive all such Evidence as they shall find pertinent and proper, and amend or confirm and finally settle each such Award and Adjudication accordingly.

Commissioners  
shall adjudicate  
upon the Pro-  
portions of  
Expence to be  
borne by the  
Counties, &c.  
benefited under  
this Act.

VIII. And be it enacted, That at some Time previous to the said Court so to be holden by the said Commissioners for the Execution of this Act, they shall, by all such Ways and Means as they shall think necessary, inquiring into and ascertaining the several Counties, or Parts of Counties, through or near to which the said Navigation may pass, and which are likely to derive Benefit from the said Navigation being improved and thrown open, or from any Work proposed to be executed by the said Commissioners, and shall ascertain and determine the Proportions in which such Benefit is likely to accrue to such Counties or Parts of Counties respectively; and in case they should find that any particular Lands are likely to derive peculiar Benefit from the Waters of such Navigation being confined to their natural Channel, so as to relieve such Lands from Inundation, or are likely to derive peculiar Benefit from any other proposed Work, the said Commissioners shall assign  
the

the particular Share or Proportion of Benefit likely to accrue to such Lands; and having so fixed and ascertained such Proportions as aforesaid, the said Commissioners shall, at such open Court to be holden as aforesaid, proceed to declare such Proportions, and hear all such proper and pertinent Evidence as shall be offered to them in reference thereto, and finally award and adjudicate upon such Proportions.

IX. And be it further enacted, That the said Commissioners for the Execution of this Act may examine upon Oath or Affirmation (which Oath or Affirmation they or any One or Two of them are and is hereby authorized to administer) all Persons who shall appear before them to be examined as Witnesses touching any Matters or Things which may be depending, or touching any Questions which may arise in the Execution of the Powers vested in the said Commissioners by this Act, and may also receive any Affidavits or Depositions in Writing, upon Oath or Affirmation, touching such Matters or Things as aforesaid, which shall be made before any Justice of the Peace of any County or Shire, or any Magistrate of any Borough or Town Corporate in *Great Britain* or *Ireland*, where or near which the Person making such Affidavit or Deposition shall reside, or before any Judge of any of His Majesty's Superior Courts at *Westminster* or *Dublin*, and certified and transmitted to the said Commissioners under the Hand and Seal of such Justice or Magistrate or Judge respectively (and which Oath or Affirmation every such Justice or Magistrate shall be and is hereby authorized and empowered to administer); provided, that in every such Affidavit or Deposition there shall be expressed the Addition of the Party making such Affidavit or Deposition and the particular Place of his or her Abode.

Commissioners authorized to take Examinations on Oath.

X. And be it further enacted, That the said Commissioners for the Execution of this Act shall be and are hereby authorized by a Summons under their Hands, or under the Hands of any Three of them, to require the Attendance before them, by a Time to be in such Summons for that Purpose limited, of any Person or Persons competent, or whom such Commissioners may have Reason to believe to be competent, to give Evidence upon any Question or Matter depending before them touching or concerning the said Navigation, or the Value of the Premises required to be taken for the Purposes thereof, or the Amount of any Compensation as aforesaid; and if any Person upon whom any such Summons shall be served by the actual Delivery thereof to him or her, or by the leaving thereof at his or her usual Place of Abode, shall, without reasonable Cause to be allowed by such Commissioners, fail to appear before them at the Time and Place in such Summons for that Purpose mentioned, or so appearing shall refuse to be sworn or to make his or her solemn Affirmation, as the Case may be, or having been so sworn, or having made such Affirmation, shall not make Answer to any such Questions as may by the said Commissioners be proposed to him or her touching any Matter or Thing depending before them under the Provisions of this Act, or shall refuse or fail to produce and exhibit to the said Commissioners any such Papers and Documents relating to any Question, Matter, or Thing depending before such Commissioners as shall by them be called for or required, every such Person shall for such

Commissioners may compel the Attendance and Examination of Witnesses.

such his Default, Refusal, or Neglect as aforesaid incur and become liable to all such Fines and Penalties, Prosecutions, Civil Suits, or Actions as any Person may by Law incur or become liable to for Default of Appearance or for refusing to be sworn or to give Evidence upon any Issue joined in any Action depending in His Majesty's Court of King's Bench; and the said Commissioners shall have all such and the same Powers, Jurisdiction, and Authority for imposing and causing to be levied and recovered any such Fines and Penalties as aforesaid as are by Law vested in any of the Judges of the said Court for imposing or causing to be levied and recovered any Fines or Penalties incurred by any Person failing to appear as a Witness, or refusing to be sworn and to give Evidence in the Trial of any Action before any such Judges or Judge.

Penalties for swearing falsely before Commissioners, &c.

XI. And be it further enacted, That if any Person or Persons, upon Examination on Oath or Affirmation before the said Commissioners respectively, or if any Person or Persons making any such Affidavit or Deposition as before mentioned, shall wilfully and corruptly give false Evidence, or shall in such Affirmation, Affidavit, or Deposition wilfully or corruptly swear, affirm, or allege any Matter or Thing which shall be false or untrue, every such Person or Persons so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to the Pains and Penalties of Persons convicted of wilful and corrupt Perjury by any Law in force at the Time of such Perjury being committed.

Commissioners shall transmit all Documents connected with the Execution of this Act to Lords of Treasury, who shall cause the same to be laid before Parliament.

XII. And be it enacted, That the said Commissioners shall, with all convenient Speed after the Completion of the several Duties herein-before appointed to be executed by them under this Act, prepare a Plan, Estimate, and Specification, with proper Maps and Schedules thereto attached, of the several Works proper in their Judgment to be executed for the Improvement and Completion of the said Navigation, and the Erection of Toll Houses thereon, and the Expence of executing such Works and erecting such Toll Houses, including and distinguishing the Sums required to be paid for the Purchase of Premises required for the Purposes of the said Navigation, and to be paid as Compensation, and shall also form such Plan as they may think advisable for the levying and collecting proper Tolls (stating the Amount thereof) upon the said Navigation for the Maintenance of the same, and for the Repayment of the Moiety of the Advances to be made as herein-before recited for the Improvement and Completion of the said Navigation, and shall transmit such Plans, Maps, Specifications, Estimates, Awards, and Adjudications, and Plan for Tolls, to the said Commissioners of His Majesty's Treasury, together with a Report on such Matters concerning the Improvement of such Navigation, and the State of the same, as the said Lords Commissioners shall direct; and the said Lords Commissioners shall, on the Receipt thereof, lay all such Documents before both Houses of Parliament, if Parliament be then sitting, and if Parliament be not then sitting, such Documents shall be laid before the said Two Houses within Fourteen Days after the Commencement of the then next Session of Parliament.

## CAP. LXVIII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the First Day of *July* One thousand eight hundred and thirty-six. [9th *September* 1835.]

See 1st & 2d Vols. 55  
v. 31.

WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expences of the Regular Militia, and of the Miners of *Cornwall* and *Devon*, when disembodied in *Great Britain* and *Ireland*; and for making in certain Cases Allowances of Reduced Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of *Devon* and *Cornwall*, while disembodied; and Allowances to Adjutants, Paymasters, Surgeons, Quartermasters, and Serjeant Majors of the Regular Militia, who have been or may be reduced, and to Adjutants, Surgeons, and Quartermasters disabled after long Service: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Secretary at War for the Time being may and shall, and he is hereby authorized, empowered, and required to cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the Rates following; (that is to say,)

Secretary at War to issue the Money required for the Pay of the Regular Militia.

For each Adjutant, Eight Shillings *per Diem* :

Rates of Pay.

For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem* :

For each Serjeant Major, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Tenpence *per Diem* :

For each Serjeant having been a Colour Serjeant in one of the Provisional Battalions of Militia, Two Shillings *per Diem* :

For each Serjeant doing the Duty of Quartermaster Serjeant, One Shilling and Tenpence *per Diem* :

For each Serjeant, One Shilling and Sixpence *per Diem* :

For each Drum Major until reduced, One Shilling and Sixpence *per Diem* :

For each Drummer until reduced, One Shilling *per Diem* :

Provided always, that when any Serjeant Major, Serjeant, Drum Major, or Drummer shall be absent on Furlough or Licence, he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively :

Rates of Pay when absent on Furlough.

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the  
[No. 28. Price 2d.] E e Colonel

Clothing.

Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major, and Three Pounds for each Serjeant; and so in proportion, in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expence of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been sanctioned by the Secretary at War: Provided always, that such Serjeant Majors and Serjeants as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed once in Four Years:

Contingent Fund.

And also at the Rate of One Penny *per* Month for each Private Man for defraying the contingent Expences of each Regiment, Battalion, or Corps.

Adjutant, &c. to reside where the Arms of the Corps are kept.

II. And be it further enacted, That every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall be constantly resident within the City, Town, or Place where the Depôt of the Corps to which they belong may be ordered to be stationed, or within such reasonable Distance of the Depôt as shall be sanctioned by the Secretary at War: Provided always, that every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

Adjutant to have Charge of the Arms and Clothing, and to issue the Money for contingent Expences on an Order signed by the Colonel.

III. And be it further enacted, That the Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores kept at the Depôt under the Superintendance of the Colonel or Commandant; and shall out of the Allowance of One Penny *per* Month for each Private Man, directed by this Act to be issued and paid for defraying the contingent Expences of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expences, upon an Order in Writing signed by the Colonel or other Commandant; and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts so allowed and signed shall be and are hereby directed to be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

Balance to form a Stock Purse.

IV. And be it further enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Arms of any Corps of Militia when disembodied are kept,

In Absence of the Adjutant, the Serjeants, &c. to be under

kept, or during any Vacancy in the Appointment of Adjutant the Serjeants shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

the Command of the Serjeant Major.

V. And be it further enacted, That the Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia when embodied.

Militia when called out for Training or Exercise entitled to Pay.

VI. And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain and Ireland*, while disembodied, under certain Regulations; be it further enacted, That the following Allowances shall be made and paid, to the Amount, under the Restrictions, and in the Manner hereinafter expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held a Commission in the Militia of *Great Britain or Ireland*, and was serving therein, when the Corps was last disembodied, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland* which was augmented during the War, and which has been reduced to its original Establishment; (that is to say,)

Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.

To a Lieutenant, Two Shillings and Sixpence *per Diem* :

To an Ensign, Two Shillings *per Diem* :

And to a Surgeon's Mate or Assistant Surgeon, Two Shillings and Sixpence *per Diem* :

Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain-Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in *Ireland* as aforesaid shall be deemed to have belonged to such Regiments when they were last disembodied, and to have continued to serve therein from that Time.

Rank of certain Officers.

VII. Provided also, and be it further enacted, That no Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said Militia, or who is or shall be appointed Adjutant in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines, shall have or be in any way entitled to the said Allowances, or any Part or Share thereof; any thing herein contained to the contrary thereof in anywise notwithstanding.

Certain Persons not entitled to Allowances.

VIII. And be it further enacted, That the Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe an Oath before some one of His Majesty's Justices of the Peace of the United Kingdom,

Oath to be taken to entitle Officers, &c. to such Allowances.



or before some one of His Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls Abroad, in the Words or to the Effect following; (*videlicet*),

Form of Oath.

‘ I *A. B.* do swear, That I belonged to the  
 ‘ of Militia when the same was disembodied, and that I have  
 ‘ continued to serve therein from that Time until the  
 ‘ Day of \_\_\_\_\_ inclusive, as a [Lieutenant, Ensign,  
 ‘ Surgeon's Mate, or Assistant Surgeon, *as the Case may be*]; and  
 ‘ that I was not in my own Right, or in the Right of my Wife,  
 ‘ during any Part of the Period for which I now claim to receive  
 ‘ my Allowance, that is to say, from the \_\_\_\_\_ Day of  
 ‘ \_\_\_\_\_ to the \_\_\_\_\_ Day of  
 ‘ both inclusive, in the actual Possession and Enjoyment or  
 ‘ Receipt of the Rents and Profits of Lands, Tenements, or Here-  
 ‘ ditaments of such an annual Value above Reprizes as would  
 ‘ qualify me to hold a Commission of Captain of a Company in the  
 ‘ Militia; that I was not in Holy Orders; that I have not during  
 ‘ the above Period held the Appointment of Adjutant, Surgeon,  
 ‘ Paymaster, or Quartermaster in any Regiment, Battalion, or  
 ‘ Corps of Militia; that I did not hold or enjoy, nor did any  
 ‘ Person for me hold or enjoy, during the said Period, any Place,  
 ‘ Office, or Employment of Profit, Civil or Military, under the  
 ‘ Crown or any other Government, besides the Allowance of  
 ‘ \_\_\_\_\_ a Day now claimed, except my Half Pay  
 ‘ as a \_\_\_\_\_ [of the Army or Navy or Marines, or of a  
 ‘ Provisional Battalion formed from the Militia, *as the Case may*  
 ‘ *be*,] and any Pay and Allowances from the \_\_\_\_\_ to the  
 ‘ \_\_\_\_\_ both Days inclusive, during which Period the  
 ‘ Corps was assembled for Training and Exercise.

‘ So help me GOD.’

Which Oath, so taken and subscribed, shall be produced to the Paymaster General of His Majesty's Forces by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

Allowances to  
Officers reduced  
in 1829.

IX. And be it further enacted, That the Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain and Ireland*, on their being reduced in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be issued and paid, under the Restrictions and in the Manner herein-after expressed, during the Continuance of this Act, and that it shall be lawful for the Secretary at War to place any such Paymaster, Surgeon, or Quartermaster when unfit for further Duty upon a retired Allowance equal to and in lieu of his reduced Allowance.

Oath to be  
taken by Officers  
claiming the  
said Allowances.

X. And be it further enacted, That every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe an Oath before some one of His Majesty's Justices of the Peace in the United Kingdom, or before some one of His Majesty's Ministers, Secretaries of Embassy or of Legation, or Consuls Abroad, in the Words or to the Effect following; (*videlicet*),

Form of Oath.

‘ I *A. B.* do swear, That I was serving as [Paymaster, Surgeon,  
 ‘ or Quartermaster, *as the Case may be*,] in the

‘ of

‘ of Militia, at the Reduction of the Staff of the said Militia, in  
 ‘ One thousand eight hundred and twenty-nine; and that I was not  
 ‘ in Holy Orders during any Part of the Period for which I now  
 ‘ claim to receive an Allowance, that is to say, from the  
 ‘ Day of One thousand eight hundred and  
 ‘ to the Day of One thousand eight  
 ‘ hundred and ; and that I did not hold or enjoy,  
 ‘ nor did any Person for me hold or enjoy, during any Part of the  
 ‘ said Period, any Place, Office, or Employment of Profit, Civil or  
 ‘ Military, under the Crown or any other Government, besides the  
 ‘ Allowance of a Day now claimed, except my Half  
 ‘ Pay as a [of the Army or Navy or Marines, or of a  
 ‘ Provisional Battalion formed from the Militia, *as the Case may*  
 ‘ *be,*] and except my Pay and Allowances from the  
 ‘ to the both Days inclusive, during which Period  
 ‘ the Militia was assembled for Training and  
 ‘ Exercise. So help me GOD.’

Which Oath, so taken and subscribed, shall be produced to the Paymaster General of His Majesty’s Forces by the Paymaster, Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of His Majesty’s Regular Forces, or Navy, or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

XI. ‘ And whereas certain Corporals and Drummers of the  
 ‘ Militia of the United Kingdom of *Great Britain and Ireland* were,  
 ‘ in pursuance of the Provisions of an Act passed in the Tenth  
 ‘ Year of the Reign of His Majesty King *George* the Fourth, struck  
 ‘ off the Establishment of the Disembodied Staff, and placed on the  
 ‘ Out-Pension of Five-pence a Day, although not unfit for further  
 ‘ Service;’ be it further enacted, That no Corporal or Drummer so  
 placed on the Pension of Five-pence *per Diem* shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Out-Pension  
to Reduced  
Corporals and  
Drummers not  
to be received  
while serving.

XII. And be it further enacted, That every Paymaster, Surgeon, or Quartermaster, on the reduced Allowance, and every Subaltern Officer, Surgeon’s Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to any Allowances as aforesaid, shall regularly attend the Exercise and Training of the Regiment, Battalion, or Corps to which he belongs during the whole of the Time it shall be assembled for that Purpose, and shall during the said Time punctually do and perform his Duty as a Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon’s Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as all Arrears of the said Allowance and of Pay; and a Certificate of his having so attended and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be transmitted to the Paymaster General by the Officer claiming the Allowance: Provided always, that in case any such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon’s Mate, or Assistant Surgeon, claiming to be entitled to such Allowance,

Subalterns,  
Mates, &c.  
to attend the  
Exercise, &c.

Commanding  
Officer may  
grant Leave of  
Absence.

shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the Whole or any Part of such Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowance and every Part thereof in like Manner as if he had attended during the whole of the said Exercise: Provided always, that the Reason for such Absence, as well as the Duration thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned), to be signed by the Commanding Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid, on taking the Oath, without Certificate of Attendance.

XIII. Provided always, and be it further enacted, That in case any Regiment, Battalion, or Corps of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have taken and subscribed the Oath herein-before mentioned before any Justice of the Peace as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

Allowances to be paid quarterly.

XIV. And be it further enacted, That upon such Oaths and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Oaths being produced to the Paymaster General, it shall be lawful for the Paymaster General, and he is hereby authorized and required, to pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned, for the usual quarterly or other proper Periods, without any Deduction whatsoever, the Oaths and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

XV. And be it further enacted, That the Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon, on such Occasion or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied, each and every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary at War, and, in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other Commandant of the Regiment, Battalion, or Corps

to which such Paymaster, Surgeon, Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

XVI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid, to the said Allowance, or any Part thereof, during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

Allowance not to be paid while the Militia is embodied.

XVII. Provided always, and be it further enacted, That any Person being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of His Majesty's Forces or Navy or Marines, and serving in the Militia, shall and may and he is hereby empowered to receive and take the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving and taking any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Oath to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XVIII. Provided always, and be it further enacted, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Adjutants, &c., Non-commissioned Officers, or Privates, not to lose their Right to *Chelsea* Pensions, &c.

XIX. And be it further enacted, That there shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expence of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training; and also an Allowance of Two-pence *per* Week for each of the Non-commissioned Officers of each Regiment on the Disembodied Staff at Head Quarters, for the Expence of necessary Medicines and Attendance given to the said Non-commissioned Officers and Drummers while such Regiment is not called out for Training and Exercise.

Allowance to be made for Medicines.

XX. And be it further enacted, That every Adjutant of Regular Militia appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served

Adjutants appointed before 24 Dec. 1814 entitled to receive after

a Service of  
Twenty Years,  
if unfit for  
further Service,  
an Allowance  
of 8s. per Day ;

provided they  
do not hold  
certain other  
Appointments.

Adjutants  
appointed since  
24 Dec. 1814,  
entitled to  
receive, after  
Thirty Years  
Service, &c. an  
Allowance of  
6s. per Day.

Right to Half  
Pay reserved.

Certain Terms  
extended to  
Adjutants in  
Cases of long  
and meritorious  
Services.

faithfully, either in His Majesty's Regular Forces, or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall and he is hereby authorized to pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem* : Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under His Majesty or any other Government ; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases His Majesty's Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War ; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment : Provided always, that any Adjutant appointed after the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in His Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings : Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance : Provided always, that in Cases of very long and meritorious Services it shall be lawful for the Secretary at War to extend to any Adjutants appointed between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth of *July* One thousand eight hundred and twenty-three the Terms, either in whole or in part, herein-before prescribed for

the Retirement of Adjutants appointed before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen.

XXI. ' And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quarter-masters of Regular Militia who have by Age or Infirmary been rendered unfit for further Service; ' be it further enacted, That such Allowances shall be issued and paid during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances to Adjutants, Surgeons, and Quartermasters.

Right to Half Pay reserved.

XXII. And be it further enacted, That in case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction from the Thirtieth Day of *June* One thousand eight hundred and thirty-five, or from the Time such Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirtieth Day of *June* One thousand eight hundred and thirty-six, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmary be rendered unfit for further Service: Provided always, that no such Reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Reduced Adjutants to receive 4s. per Day till 30th June 1836.

Right to Half Pay reserved.

XXIII. ' And whereas certain Adjutants and Serjeant Majors are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem*; ' be it therefore enacted, That all such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Thirtieth Day of *June* One thousand eight hundred and thirty-five to the Thirtieth Day of *June* One thousand eight hundred and thirty-six.

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

XXIV. And be it further enacted, That every Reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years aforesaid, and continued by any subsequent Acts or by this Act, may receive and take such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable, together with such Reduced Allowance, under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of Great Britain called England*, or under the Provisions of the aforesaid Acts of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always,

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3. c. 44. and 26 G. 3. c. 107.

Provido. that

that no such Reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under His Majesty other than such as aforesaid, or under any other Government, or any Civil Office or Employment under His Majesty or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmary.

Restrictions  
as to Allowances  
to Reduced  
Adjutants of  
the Local  
Militia.

XXV. 'And whereas certain Allowances have been granted to Reduced Adjutants of the Local Militia;' be it further enacted, That the said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allowances under the same Regulations and Restrictions as those under which the Permission was originally granted.

Allowances  
to Clerks of  
General and  
Subdivision  
Meetings in  
England.

XXVI. And be it further enacted, That in every County in *England* and *Wales*, when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings and to the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for amending the Law relating to the Militia in England, and for augmenting the Militia*, and of any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expences in the due Execution of an Act passed in the Thirty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better raising and ordering the Militia Forces for the Tower Hamlets in the County of Middlesex*, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stanaries of *Cornwall* and *Devon* for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for repealing an Act made in the Thirty-eighth Year of the Reign of His present Majesty King George the Third, intituled 'An Act for raising a Body of Miners in the Counties of Cornwall and Devon for the Defence of the Kingdom during the present War,' and for the more effectually raising and regulating a Body of Miners for the Defence of Great Britain*, and of any other Acts relating to the said Militia; and in every County, *Stewartry*, *City*, or *Place* in *Scotland* where the Regular Militia is or shall be raised Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expences in the due Execution of an Act passed in the Forty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to raise and establish*

42 G. 3. c. 90.

37 G. 3. c. 25.

42 G. 3. c. 72.

Allowances to  
such Officers  
and others in  
*Scotland*.

42 G. 3. c. 91.

*lish a Militia in Scotland, and of any other Acts relating to the said Militia.*

XXVII. And be it further enacted, That the said Allowances shall be granted as follows; (*videlicet,*) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make Oath to the Justness of the Accounts, in the following Terms respectively, before some Justice of the Peace; *videlicet,*

Manner of granting Allowances.

Clerks, &c. to make Oath of the Justness of their Accounts.

*Oath of a Clerk of General or Subdivision Meetings.*

‘ I do swear, That the preceding Account, so far as regards my Interest therein, is a just and true Account of Business performed by me for and in behalf of the Public Service, according to the Manner therein set forth; and the Sums claimed as disbursed were actually paid by me.’

*Oath of a Schoolmaster, Constable, or other Officer in Scotland.*

‘ I do swear, That I am the Parochial Schoolmaster [or Constable or other Officer] of the District of \_\_\_\_\_ in the \_\_\_\_\_ Subdivision of the County of \_\_\_\_\_; and that the preceding Account is a just and true Account of Business actually performed by myself for and in behalf of the Public Service, according to the Manner therein set forth; and that I was employed on such Business the full Time therein stated; and that the Sums claimed as disbursed were actually paid by me.’

And the said Accounts shall be transmitted to the Secretary at War, who is hereby empowered to issue the Allowances according to the Rates specified in the Table to this Act annexed, or such Sums as he shall think reasonable and proper.

XXVIII. ‘ And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from Service in the Militia by reason of bodily Infirmary, and upon the Fitness for Service of the Persons presenting themselves for Inrolment;’ be it therefore enacted, That it shall be lawful for any Two Deputy Lieutenants, and they are hereby empowered and required, to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Inrolment shall be held, to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, take the following Oath, which Oath any Deputy Lieutenant is hereby authorized to administer; *videlicet,*

Deputy Lieutenants may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

‘ I do swear, That I will, to the best of my Ability, faithfully and truly report as to the Fitness for Service of the Man or Men about to be submitted to my Examination; and that I will not receive from any of them any Fee or Reward whatever for any such Examination.’

Oath to be taken by Surgeon.

And



Allowance to Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed : Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary at War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Directions of the Secretary at War.

XXIX. And be it further enacted, That all Sums of Money granted for the Pay, Clothing, contingent and other Expences, and for the Allowances to the Officers and Men of the Regular and Local Militia when disembodied, shall be issued and paid under the Direction of the Secretary at War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXX. And be it further enacted, That all Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be or shall be drawn upon unstamped Paper ; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

No Fee to be taken.

XXXI. Provided always, and be it further enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

Expence of House for depositing Arms and Stores of the Militia in Ireland, &c. to be defrayed by the County.

XXXII. And be it further enacted, That the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, shall be defrayed by the County ; and the necessary Sum for that Purpose, and for all other Sums of Money and Expences payable and to be defrayed by the County in respect of the Militia of the County, and all Arrears of any such Hire of any such House, and of any such other Sums or Expences aforesaid which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, shall be raised by the Presentment of the Grand Jury of the said County, and which Presentment the Grand Jury of the County is hereby authorized and required to pass, on a Certificate signed by the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary or by the First Clerk in the Military Department, and specifying the Rent agreed to be paid for the same ; which Certificate shall be transmitted by such Chief or Under Secretary or First Clerk to the Clerk of the Crown for such County, or at any Time prior to the First Day of the Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term : Provided that in no Case any greater Rent than Fifty Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such Grand Jury for the annual Rent of such House or Place.

Provision as to Amount of Rent.

Commissioners of Chelsea Hospital may assign certain

XXXIII. ' And whereas the Drum Majors and Drummers, and ' a Proportion of the Serjeants on the disembodied Staff of the ' Militia of the United Kingdom, are to be reduced in pursuance ' of

‘ of an Act passed in the present Session of Parliament;’ be it further enacted, That it shall be lawful for the Commissioners of *Chelsea* Hospital to place on the Out-Pension List any Serjeants, Drum Majors, or Drummers discharged in consequence of such Reduction who shall have served Twenty Years consecutively in the embodied Militia and on the disembodied Staff, and to assign to them, although not disabled, the Rates of Pension to which they would be entitled if disabled; provided that no Service in the Rank of Drummer previous to the Age of Sixteen, or in any other Rank previous to the Age of Eighteen, shall be included in the said Twenty Years: Provided also, that in Cases of long and meritorious Service, not coming in every Respect within the above Description, it shall be lawful for the said Commissioners, upon His Majesty’s Pleasure being signified to them through the Secretary at War, to grant to such reduced Serjeant, Drum Major, or Drummer such Rate of Pension as His Majesty shall be pleased to direct, not exceeding the Rate of the Militia Pension for Disability: Provided always, that no Pension granted on the Reduction hereinbefore mentioned shall be issued for a Period during which the Serjeant, Drum Major, or Drummer shall be receiving Pay in the Militia.

Rates of Pension to discharged Serjeants, &c. of Militia.

XXXIV. And be it further enacted, That all Provisions, Directions, Clauses, Matters, and Things in this Act contained, relating to Counties and to Regiments of Militia respectively, shall extend and be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*, as fully and effectually as if they were respectively repeated in every such Provision, Direction, Clause, and with relation to every such Matter or Thing.

Provisions of this Act relating to Counties shall extend to Ridings, Stewartries, &c.

XXXV. And be it further enacted, That this Act shall take effect and continue in force from the Thirtieth Day of *June* One thousand eight hundred and thirty-five until the First Day of *July* One thousand eight hundred and thirty-six.

Continuance of Act.

TABLE to which this Act refers.

SCALE of RATES of Remuneration to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, Cap. 90. and 91., and other Acts relating to the Militia.

ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

	£	s.	d.
1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) - -	0	7	6
2. For attending General Meetings, at which the Statutory Quorum of Lieutenancy shall be present, each - -	5	5	0
For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - - -	1	11	6
Which Allowances are to be in full for engrossing Minutes, et cetera.			

	£	s.	d.
3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to return Lists, each	0	0	6
For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, to return Lists, each	0	0	6
4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - -	0	7	6
5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary at War; (the latter Copy to be annexed to the Clerk's Accounts as a Voucher,) videlicet,			
In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - -	2	2	0
In Counties furnishing from 201 to 400 Men - - -	3	3	0
Ditto - - - - 401 to 600 Men - - -	4	4	0
Ditto - - - - 601 to 800 Men - - -	5	5	0
Ditto - - - - 801 Men and upwards - - -	6	6	0
6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the regular Militia, when necessary to be done:			
In Counties furnishing a Quota of 200 Men or under -	1	1	0
Ditto - - - - from 201 to 400 Men - - -	2	2	0
Ditto - - - - from 401 to 600 Men - - -	3	3	0
Ditto - - - - from 601 to 800 Men - - -	4	4	0
Ditto - - - - from 801 Men and upwards - - -	5	5	0
7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Inrolment, Schedule (E.):			
For engrossing 50 Names and under - - -	0	5	0
Ditto - 51 to 150 Names - - - - -	0	10	0
Ditto - 151 to 250 Names - - - - -	1	0	0
Ditto - 251 Names and upwards - - - - -	1	10	0
8. For drawing out fair Copy of the Lord Lieutenant's Annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men:			
In Counties furnishing One Regiment, Battalion, or Corps - - - - -	0	15	0
Ditto - - - Two - Ditto - - - - -	1	10	0
Ditto - - - Three - Ditto - - - - -	2	0	0

No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto.

Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps.

## 9. For Stationery :

To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - -

£ s. d.

2 0 0

Ditto - from 301 to 600 Men - - - - -

3 0 0

Ditto - from 601 to 900 Men - - - - -

4 0 0

Ditto - from 901 Men and upwards - - - - -

5 0 0

## 10. For Copyings, Correspondence, et cetera, et cetera :

To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is 200 Men or under - - - - -

2 0 0

In a County furnishing from 201 to 400 Men - - - - -

3 0 0

Ditto - from 401 to 600 Men - - - - -

4 0 0

Ditto - from 601 to 800 Men - - - - -

5 0 0

Ditto - from 801 Men and upwards - - - - -

6 0 0

## 11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, et cetera, certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed.

The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.

## TRAINING AND EXERCISE.

## 12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - - - -

0 0 6

## 13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for His Majesty's Secretary of State for the Home Department, in Counties in England and Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - - -

1 0 0

In Counties in England, Wales, and Scotland, furnishing One Regiment, Battalion, or Corps - - - - -

2 0 0

Ditto - Two - Ditto - - - - -

3 0 0

Ditto - Three - Ditto - - - - -

4 0 0

## ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

## 14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - - -

0 5 0

Or, for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter - - - - -

0 1 0

15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present, videlicet,  
For receiving Lists and hearing Appeals,  
For balloting,  
For inrolling,

	£	s.	d.
And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised; which Allowance shall be in full for engrossing Minutes and making up Lists - - -	2	2	0
And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - -	1	5	0
And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant -	0	15	0
16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stannaries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - - -	0	0	6
And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - - -	0	0	6
17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the Balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men -	£2 per 1,000		
18. For making out the Annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Appointment of the Subdivision is 50 Men and under - - - - -	2	2	0
From 51 to 150 Men - - - - -	3	3	0
From 151 to 250 Men - - - - -	4	4	0
From 251 Men and upwards - - - - -	5	5	0
19. For making out fair and true Copies of Lists of Men inrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; videlicet,			
For a Roll containing 50 Names and under - - -	0	5	0
from 51 to 150 Names - - - - -	0	10	0
from 151 to 250 Names - - - - -	0	15	0
from 251 Names and upwards - - - - -	1	0	0
20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County, in the following Proportions; videlicet,			

	£	s.	d.
For a Subdivision furnishing 50 Men and under	-	1	10 0
from 51 to 150 Men	-	2	0 0
from 151 to 250 Men	-	2	10 0
from 251 Men and upwards	-	3	0 0
21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; videlicet,			
For a Subdivision furnishing 50 Men and under	-	2	0 0
from 51 to 150 Men	-	3	0 0
from 151 to 250 Men	-	4	0 0
from 251 Men and upwards	-	5	0 0
22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed.			
The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid.			
23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera :			
For a Subdivision furnishing 50 Men and under	-	0	5 0
from 51 to 150 Men	-	0	10 0
from 151 to 250 Men	-	0	15 0
from 251 and upwards	-	1	0 0
<b>TRAINING AND EXERCISE.</b>			
24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds, to give Notice in Writing to the Men inrolled to attend the Training and Exercise of the Militia :			
For each Precept containing 50 Names and under	-	0	5 0
from 51 to 150 Names	-	0	10 0
from 150 to 250 Names	-	0	15 0
from 251 Names and upwards	-	1	0 0
And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivisions of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men inrolled to attend the Training and Exercise of the Militia :			
For each Precept containing 10 Names and under	-	0	0 6
from 11 to 30 Names	-	0	1 0
from 31 to 50 Names	-	0	2 6
from 51 to 70 Names	-	0	4 0
from 71 to 100 Names	-	0	7 0
from 100 upwards	-	0	10 0

	£	s.	d.
25. For making out full and true Lists of the Names and Dates of Inrolment of all Persons inrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise :			
For a Roll containing 20 Names and under	0	2	6
from 21 to 50 Names	0	5	0
from 51 to 150 Names	0	10	0
from 151 to 250 Names	0	15	0
from 251 and upwards	1	0	0
26. For correcting the Books of Inrolment of the Subdivision, so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Appointment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain :			
For a Subdivision furnishing 50 Men and under	0	5	0
from 51 to 150 Men	0	10	0
from 151 to 250 Men	0	15	0
from 251 and upwards	1	0	0

#### ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours	0	5	0
28. For making out Lists, for each Folio consisting of Sixty Lines	0	1	0
29. For attending Meetings of Lieutenancy, each Meeting	0	10	0
30. For filling up and delivering Notices to ballotted Men, per Day	0	5	0
31. For Stationery, per Annum	0	5	0

#### ALLOWANCES TO CONSTABLES IN SCOTLAND.

32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours	0	4	0
33. For making out Lists, for each Folio consisting of Sixty Lines	0	1	0
34. For attending each Meeting of Lieutenancy, per Day	0	4	0
35. For filling up and delivering Notices to ballotted and inrolled Men, per Day	0	4	0
36. For Stationery, where the Lists are made out by the Constables, per Annum	0	5	0

#### SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General and Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call a Person from a Distance to perform the Duty of a General or Subdivision Clerk, such Person shall have an Allowance for his travelling Expences, not exceeding Nine-pence per Mile, and the Expences of Tolls and Ferry Money ; but the Particulars of such Expences shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's Annual Account.
38. The Expence necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

## CAP. LXIX.

An Act to facilitate the Conveyance of Workhouses and other Property of Parishes and of Incorporations or Unions of Parishes in *England* and *Wales*.

[9th September 1835.]

‘ WHEREAS there are certain legal Difficulties attending the Title, Purchase, Sale, and Disposal of Property, which, with respect to Workhouses, and other Property belonging to Parishes, Incorporations, or Unions, it is expedient to remove; and it is also expedient to simplify the Assurances for the Conveyance, Exchange, or Transfer of such Property;’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of the King’s Majesty’s Woods, Forests, and Land Revenues, by and with the Consent in Writing of the Lord High Treasurer or the Commissioners of His Majesty’s Treasury, or any Three or more of them, and for His Majesty, by any Grant signed by the Chancellor of the Duchy of *Lancaster*, and for the Duke of *Cornwall*, by any Grant signed by the Chancellor of that Duchy, to grant, and for the Guardians and Overseers of the Poor of any Parish or Union of Parishes, under the Direction and with the Approbation of the Poor Law Commissioners for *England* and *Wales* (to be testified by Order under their Hands and Seal), and for any Lay or Ecclesiastical Corporation, Aggregate or Sole, and for any Feoffees or Trustees to charitable or other Uses, and for any Person beneficially seised or entitled in Possession as Tenant in Fee Simple, or in Fee Tail, General or Special, or for his own Life, or for Years determinable on his own Life, (such Estate for Life or Years not being subject to any Rent,) or for any Term of Years in gross whereof not less than Four hundred shall be unexpired, and subject to no Equity of Redemption or Rent, except a nominal Rent, and for any married Woman entitled or interested as aforesaid to her separate Use, and for the Guardian, Trustee, Husband, or Committee of any Person so seised or entitled who shall be an Infant, married Woman (not separately entitled), Idiot, Lunatic, or under any other Disability, to dispose of, by way of absolute Sale, or in Exchange for any Messuages, Lands, or other Hereditaments, any Lands or Buildings for the Purpose of the same being used as or converted into a Workhouse, or of being used as the Site of a Workhouse, or of being occupied with a Workhouse, or for any other Purpose relating to the Relief of the Poor which the said Poor Law Commissioners may approve of, with the Rights and Appurtenances, and to convey the same and the Fee Simple and Inheritance thereof unto the Guardians or Overseers of any Union or Parish and their Successors, or in such other Manner as the said Poor Law Commissioners may direct, and to accept from and give to such Guardians or Overseers any Monies by way of Equality of Exchange.

Powers for Corporations and Persons under Disability to convey Lands, &c. for the Purposes of this Act.

II. And with regard to the Application of Money paid for the Purchase or on the Exchange of Hereditaments of Persons under

Investment of Purchase Money to the Disability,



same Uses as  
the Estates sold  
were subject to.

Disability, be it enacted, That all Sums of Money which shall be agreed to be paid to any Corporation, or to any Trustee, Guardian, or Committee for or on behalf of any Infant, Ward, Lunatic, Idiot, married Woman, or other Person under Disability, or to any Person whose Lands shall be limited in Settlement, for the Purchase or Exchange of Hereditaments as aforesaid, shall, in case the same shall exceed the Sum of Fifty Pounds, and there shall be no Person capable of giving a sufficient Discharge for the same, be paid by the said Guardians and Overseers into the Bank of *England* in the Name and with the Privy of the Accountant General of the Court of Exchequer, to be placed in his Account to the Credit of the Party who shall be so interested in the said Hereditaments, describing them, subject to the Order of the said Court of Exchequer; which said Court, on the Petition of or Motion on behalf of any Corporation or Person making claim to any such Money is hereby empowered to order summarily the Investment of such Money in the Purchase of Real Estates, to be settled to the same Uses and upon the same Trusts as the Lands so sold were previously subject to, or in the Public Funds, and the Distribution of the Rents and Dividends thereof respectively, according to the respective Interests of the Claimants thereof, and to make such other Order in the Premises as to the Court shall seem reasonable; and the Cashier of the Bank of *England* who shall receive such Money shall give a Receipt to the Party paying the same, specifying for what the same is received, which Receipt shall be to all Intents and Purposes a sufficient Discharge; and upon such Receipt being given it shall be lawful for the said Poor Law Commissioners, by Order under their Hands and Seals, to direct that the said Hereditaments so purchased by such Guardians or Overseers shall be appropriated for the Purposes of this Act; and in case of Doubts or Questions of Title to any Money paid into the Bank of *England* by virtue of this Act, or the Securities on which the same may be invested, or the Dividends or Interests thereof, the Corporation or Person who shall have been in the Possession of such Hereditaments, Interests, or Incumbrances at the Time of such Purchase, and Persons claiming under them, shall be deemed and taken to be lawfully entitled to such Hereditaments, Interests, or Incumbrances, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer; and the Securities and Principal and Interest Monies shall be applied and disposed of accordingly; and in case of such Purchase, Payment into the Bank of *England*, and Application to the Court of Exchequer as aforesaid, it shall be lawful for the said Court to order the Expences attending such Purchase, Payment, or Application, or any Part thereof, to be paid by such Guardians or Overseers, who shall accordingly pay the same as and when the said Court shall direct, and the Money so paid shall be a Charge on the Poor Rates of such Parish or such Union, as the Case may be.

Parties in  
Possession to be  
deemed entitled.

Court of Ex-  
chequer may  
order Payment  
of Expences.

Power to  
Overseers and  
Guardians of  
the Poor to  
sell, purchase,  
and dispose of  
Workhouses, &c.

III. And in order to ensure the due Application of the Property of Parishes and Unions, be it enacted, That it shall be lawful for the Guardians of any Parish or Union, and for the Overseers of any Parish not under the Management of a Board of Guardians, and for the Guardians or Trustees, Guardian or Trustee of any dissolved Union, or the Person or Persons who were the Guardians or Trustees, Guardian or Trustee of any dissolved Union at the Time of its Dissolution,

Dissolution, or a Majority of such Guardians, Trustees, or Persons, if more than One, with the Approbation, and subject to the Rules, Orders, and Regulations of the Poor Law Commissioners, to sell, exchange, let, or otherwise to dispose of any Workhouses, Tenements, Buildings, Land, Effects, or other Property belonging to any such Parish or Union, or vested in Trustees or Feoffees in Trust for such Parish or Union, or for the Parishioners, Rate-payers, or Inhabitants thereof, or which belong or did belong to any dissolved Union, and every and any Part of such Property, and to convey, assign, or transfer the same accordingly to the Purchasers or Parties exchanging, as they shall direct; and, in case of a Sale, to apply the Produce arising therefrom (after deducting the reasonable Expences thereof) towards the Purchase or building of any Workhouse, or as or in part of the Proportion of such Parish or Union towards the Expence of any Workhouse erected, purchased, or provided on behalf of such Parish or Union, or as a Loan to the Board of Guardians of such Union, upon the Security of the Rates, for the Purpose of erecting a Workhouse, or in Liquidation of any Debt contracted by such Parish or Union or dissolved Union, or in such other Manner for the permanent Advantage of such Parish or Union or dissolved Union as the said Poor Law Commissioners may approve; and in case of an Exchange, the Hereditaments to be taken in exchange shall be conveyed to the Guardians of such Parish or Union, or the Overseers of such Parish, upon the same Trusts, and the Rents and Profits thereof shall be applied to the same Purposes, as the Hereditaments given in exchange were held, and the Rents and Profits thereof would have been applicable, under the Provisions of the Law or of this Act if the same Hereditaments had not been exchanged; and it shall be lawful for the said Poor Law Commissioners to direct the Mode and Proportions on Parishes in which any Money required for the Purchase of any such Property shall be raised, paid, and secured, and also to direct the Mode in which the Persons by whom, and the Objects relating to the Management of the Poor to which, the Rents, Profits, beneficial Occupation, or Income of such Property shall be applied, assigned, or distributed; and wheresoever the Workhouse or Workhouses of any Parish in any Union may have become or shall hereafter become convertible to the common Use of such Union, it shall be lawful for the said Poor Law Commissioners to direct such an annual Sum, in the Nature of Rent or other Compensation, to be paid to such Parish out of the common Fund of the Union, and to vary the Amount of such annual Sum or Compensation from Time to Time as they the said Poor Law Commissioners shall see fit: Provided always, that no such Sale or Exchange or letting of any Workhouses, Tenements, Buildings, or Land of any Parish shall take place except with the Consent of a Majority of the Rate-payers of such Parish, and of the Owners of Property therein, entitled to vote under and by virtue of the Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales*, assembled at a Meeting to be duly convened and held for the Purpose, after public Notice of the Time and Place and Purpose of holding such Meeting shall have been given in like Manner as Notices of Vestry Meetings are published and given, such Majority to be ascertained in manner provided by the said Act: Provided also, that every Sale

4 &amp; 5 W. 4. c. 76.

4/1

and Exchange or Lease of any such Workhouse, Tenements; Buildings, Land, or other Property, which may have been made before the passing of this Act, with the Consent or Approbation in Writing of the said Poor Law Commissioners, shall be as valid and effectual as if the same had been directed by their Order under the Authority of this Act; and that any Monies or Rents which have become or shall become payable in respect of any such Sale, Exchange, or Lease, and have not been applied, shall be applied in the same Manner as such Monies or Rents would have been applicable if such Sale or Exchange or Lease had been made under this Act.

IV. And be it further enacted, That all the Powers and Authorities in and by an Act passed in the Twenty-second Year of the Reign of King *George the Third*, intituled *An Act for the better Relief and Employment of the Poor*, given to Guardians of the Poor for or relating to the inclosing of any Part or Portion of Waste or Common Land as therein mentioned; and all Powers and Authorities in and by an Act passed in the Fifty-ninth Year of the same Reign, intituled *An Act to amend the Laws for the Relief of the Poor*, given to Churchwardens and Overseers of the Poor for taking Land or Ground into their Hands, and for purchasing, hiring, and taking on Lease any Land; and all the Powers and Authorities contained in an Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to amend an Act of the Fifty-ninth Year of His Majesty King George the Third, for the Relief and Employment of the Poor*; and in a certain other Act passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to enable Churchwardens and Overseers to inclose Land belonging to the Crown for the Benefit of poor Persons residing in the Parish in which such Crown Land shall be situate*; and in a certain other Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act to authorize (in Parishes inclosed under any Act of Parliament) the letting of the Poor Allotments in small Portions to industrious Cottagers*; shall in future be exercised (under the Control, and subject to the Rules, Orders, and Regulations of the Poor Law Commissioners,) by the Overseers of the Poor in any Parish not under the Management of a Board of Guardians, and by the Guardians of the Poor of any Union or Parish formed or established by virtue of any Statute or Local Act; and all the aforesaid Powers and Authorities relating to the inclosing, purchasing, hiring, or taking any Waste, Common, or other Land, for the Purpose or Purposes in the said Acts mentioned, shall extend and apply to and may be so exercised as aforesaid by the said Overseers and Guardians for the Purpose of being used as the Site of a Workhouse, or of being occupied with a Workhouse, or for any other of the Purposes of the said recited Act passed in the Fourth and Fifth Years of the Reign of His present Majesty.

V. And be it further enacted, That the Powers and Authorities given by the said Act of the Fifty-ninth Year of King *George the Third*, and by the said Act of the Second Year of the present Reign, to Justices of the Peace to cause Possession of Parish Houses and Lands and Portions of Land to be delivered to the Churchwardens and Overseers of the Poor, and any other auxiliary Powers or Provisions in the said Acts or other Acts contained in relation thereto, shall extend to and shall be exercised by such Justices in respect of any Houses and Lands and Portions of Land which are or may be

Power to  
Overseers to  
take Waste or  
Forest Lands  
extended to  
Guardians, &c.  
22 G. 3. c. 83.

59 G. 3. c. 12.

1 & 2 W. 4. c. 42.

1 & 2 W. 4. c. 59.

2 & 3 W. 4. c. 42.

Powers given  
to Justices to  
deliver Posses-  
sion of Parish  
Houses, &c. to  
Churchwardens  
and Overseers,  
extended to  
Property of  
Unions, &c.

be vested in or under the Management or Control of the Guardians of the Poor of any Union or Parish, in the same Manner as if the Name of those Officers had been inserted in the said Acts instead of the Names of the Churchwardens and Overseers of the Poor.

VI. And, for simplifying the Instruments of Assurance of Property under this Act, be it enacted, That every Conveyance, Exchange, Security, or Assignment of Security, under the Authority of this Act, may be made according to the Forms set forth in the Schedule annexed, or in such other Forms as the said Poor Law Commissioners shall direct, or as near thereto as the Number of Parties, the Nature of the Interests, and the Circumstances of the Case will admit, and shall, when executed by the conveying Parties, be valid and effectual in the Law, without Livery of Seisin being made, or any Bargain and Sale to vest Possession being executed; and that every Conveyance, Exchange, Security, Transfer of Security, or Instrument made under the Authority of this Act, shall, when signed by the conveying Parties thereto, be transmitted to the said Poor Law Commissioners, who shall, if they shall approve thereof, signify such Approval by sealing or stamping the same with their Seal; and for preserving Evidence of such Instruments the said Commissioners shall keep a Register, properly indexed, in which they shall insert Copies or Memorials of such Deeds or Instruments of which they shall so approve, and of such Orders of Appropriation of Property as are herein-before mentioned; and all such Copies or Memorials, or Copies thereof, purporting to be sealed or stamped with the Seal of the said Commissioners, shall be received as Evidence of the Instruments respectively of which they purport to be Copies or Memorials.

Mode of  
Conveyance.

Approval of  
the Poor Law  
Commissioners.

VII. And, for the more easy Execution of the Purposes of this Act, and of the Laws relating to the Poor, be it enacted, That the Guardians of the Poor of every Union already formed or which hereafter shall be formed by virtue of the aforesaid Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, and of every Parish placed under the Control of a Board of Guardians by virtue of the said Act, shall respectively from the Day of their first Meeting as a Board become or be deemed to have become, and they and their Successors in Office shall for ever continue to be, for all the Purposes of this Act, a Corporation, by the Name of the Guardians of the Poor of the                      Union (or of the Parish of                      ) in the County of                      ; and as such Corporation the said Guardians are hereby empowered to accept, take, and hold, for the Benefit of such Union or Parish, any Buildings, Lands, or Hereditaments, Goods, Effects, or other Property, and may use a Common Seal; and they are further empowered by that Name to bring Actions, to prefer Indictments, and to sue and be sued, and to take or resist all other Proceedings for or in relation to any such Property, or any Bonds, Contracts, Securities, or Instruments given or to be given to them in virtue of their Office; and in every such Action and Indictment relating to any such Property it shall be sufficient to lay or state the Property to be that of the Guardians of the                      Union, or of the Parish of                      ; and in case of any Addition to or Separation of any Parishes from any such Union, under the Authority of the said Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, the Board of Guardians for the Time being shall (notwithstanding such

Guardians  
incorporated.

Alteration) have and enjoy the same Corporate Existence, Property, and Privileges as the Board of Guardians of the original Union would have had and enjoyed had it remained unaltered.

Previous Sales made with the Consent of the Commissioners to be valid.

VIII. And be it enacted, That all Buildings, Lands, or Hereditaments; Goods, Effects, or other Property, which, before the passing of this Act, may have been conveyed, with the Consent or under the Directions of the said Poor Law Commissioners, to any Persons in Trust for and for the Use of any Union or Parishes, shall, without any further Act, vest in the Guardians thereof as such Corporation, in the same Manner as if the same respectively had been conveyed to or vested in them under the Provisions of this Act.

Interpretation Clause.

IX. And in the Interpretation of this Act, be it enacted, That wherever in this Act, in describing any Person or Party, Matter or Thing, the Word importing the Singular Number or the Masculine Gender only is used, the same shall be understood to include and shall be applied to several Persons or Parties as well as one Person or Party, and Females as well as Males, and several Matters or Things as well as one Matter or Thing respectively, unless there be something in the Subject or Context repugnant to such Construction; and the Words and Expressions "General Rule," "Guardian," "Justice or Justices of the Peace," "Orders and Regulations," "Overseers," "Owners of Property," "Parish," "Person," "Poor," "Poor Rate," "Union," "Vestry," and "Workhouse," shall bear and be construed to have the same Signification as the same Words and Expressions are declared to have in the said Act of the Fourth and Fifth Years of the present Reign, for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales*.

### SCHEDULE to which this Act refers.

#### *Form of Conveyance.*

THIS Deed, made the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_ by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [*the Title of this Act*], and under the Direction [*or with the Approbation*] of the Poor Law Commissioners for England and Wales, testified by their Seal being hereunto affixed, witnesseth, That *A.B.* of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ paid to him [*or into the Bank of England*] by *C.D.* of \_\_\_\_\_ doth grant and convey [*or demise or assign, proper Words of Conveyance to be used*] all, &c. [*the Property to be aptly described*], and all the Right, Title, and Interest of the said *A.B.* in and to the same and every Part thereof, unto and to be holden by the said *C.D.*, his Heirs and Assigns. In witness whereof the said *A.B.* and *C.D.* have hereunto set their Hands and Seals.

Witness *E.F.*

*A.B.* (L.S.)

*C.D.* (L.S.)



Approved and registered the \_\_\_\_\_ Day of \_\_\_\_\_

*Form of Exchange.*

THIS Deed, made the \_\_\_\_\_ Day of \_\_\_\_\_ by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [*the Title of the Act*], and under the Direction [*or with the Approbation*] of the Poor Law Commissioners for England and Wales, testified by their Seal being hereunto affixed, witnesseth, That *A.B.* of \_\_\_\_\_ doth grant and convey unto *C.D.* of \_\_\_\_\_ all [*the Property to be aptly described*], in exchange for the Hereditaments herein-after conveyed, to the Intent that the said Hereditaments above conveyed may be held and enjoyed by the said *C.D.*, and the Person or Persons who for the Time being would have been entitled to the Hereditaments herein-after conveyed, if this present Exchange had not been made, and shall be and become subject to such and the same Uses, Trusts, Powers, Conditions, Limitations, Restrictions, Charges, and Incumbrances as the same Hereditaments herein-after conveyed now are or may or but for this present Exchange would have been subject or liable to: And this Deed further witnesseth, That, in pursuance of the said Act, and under the said Direction [*or Approbation*], the said *C.D.* doth grant and convey unto the said *A.B.* all [*the Property to be aptly described*], in lieu of and in exchange for the Hereditaments firstly herein-before conveyed, to the Intent that the Hereditaments lastly herein-before conveyed may be held and enjoyed by the said *A.B.*, and the Person or Persons who for the Time being would have been entitled to the Hereditaments firstly herein-before conveyed if this present Exchange had not been made, and shall be and become subject to such and the same Uses, Trusts, Powers, Conditions, Limitations, Restrictions, Charges, and Incumbrances as the same Hereditaments now or may be or but for this present Exchange would have been subject or liable to. In witness whereof the said *A.B.* and *C.D.* have hereunto set their Hands and Seals.

Witness *E.F.**A.B.* (L.S.)*C.D.* (L.S.)Approved and registered the  
Day of \_\_\_\_\_*Form of Security.*

THIS Deed, made the \_\_\_\_\_ Day of \_\_\_\_\_ by virtue of an Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [*the Title of this Act*], and under the Direction [*or with the Approbation*] of the Poor Law Commissioners for England and Wales, (testified by their Seal being hereunto affixed,) witnesseth, That *A.B.*, *C.D.*, *E.F.*, and *G.H.*, being the Majority of the Guardians of the Poor for the \_\_\_\_\_ Union, [*or the Parish of \_\_\_\_\_*], in consideration of the Sum of \_\_\_\_\_ to them in hand paid by *Y.Z.* of \_\_\_\_\_ for the Purpose of purchasing, building, erecting, repairing, fitting up, or furnishing a Workhouse for the Union [*or Parish*], and for providing suitable  
Stock

Stock and Utensils for that Purpose, [or in consideration of the Conveyance or Assurance of, &c., as the Case may be,] do hereby charge the Poor Rates of the Parishes of the said Union [or Parish] with the Payment of the Principal Sum of \_\_\_\_\_ Pounds, by the Instalments following [naming them], together with Interest on the Principal which shall from Time to Time remain due, after the Rate of \_\_\_\_\_ per Centum, to be payable half-yearly to the said Y. Z., his Executors, Administrators, and Assigns.

Witness L. M.

A. B.

C. D.

E. F.

G. H.



Approved and registered the  
Day of \_\_\_\_\_

*Form of Transfer of Security.*

THIS Deed, made the \_\_\_\_\_ Day of \_\_\_\_\_ by virtue of the Act passed in the Fifth and Sixth Years of the Reign of King William the Fourth, intituled [*the Title of this Act*], and [*if the Guardians or Overseers of any Parish or Union are the Parties transferring or accepting the Security, then add*] under the Direction [or with the Approbation] of the Poor Law Commissioners for England and Wales (testified by their Seal being hereunto affixed), witnesseth, That Y. Z. of \_\_\_\_\_ doth transfer the Security [*describing it*], with all Right and Title to the Principal Money thereby secured, and to all the Interest now due or hereafter to be due thereon, unto V. W. of \_\_\_\_\_ his Executors, Administrators, and Assigns.

Witness E. F.

Y. Z.

V. W.



Approved and registered the  
Day of \_\_\_\_\_

CAP. LXX.

An Act for abolishing, in *Scotland*, Imprisonment for Civil Debts of small Amount. [9th September 1835.]

‘ WHEREAS His Majesty was pleased, by Letters Patent bearing Date on the Sixth Day of *June* One thousand eight hundred and thirty-three, under the Great Seal appointed by the Treaty of Union to be kept and made use of in place of the Great Seal of *Scotland*, to appoint certain Commissioners with Instructions to inquire, *inter alia*, “ as to the present Form of enforcing Judicial Decrees by the Diligence of Horning and Caption and Imprisonment, and the Expediency of any Alteration in the Law  
‘ or

‘ or Forms touching such Proceedings’: And whereas the said  
 ‘ Commissioners have made a Report, from which it appears that  
 ‘ great Hardship is frequently suffered by poor Persons in conse-  
 ‘ quence of Imprisonment for Civil Debts to a small Amount, with-  
 ‘ out producing thereby any adequate Benefit to their Creditors:  
 ‘ And whereas it is expedient that a Remedy should be provided:’  
 Be it therefore enacted by the King’s most Excellent Majesty, by  
 and with the Advice and Consent of the Lords Spiritual and Tem-  
 poral, and Commons, in this present Parliament assembled, and by  
 the Authority of the same, That from and after the First Day of  
*January* One thousand eight hundred and thirty-six it shall not be  
 lawful to imprison any Person or Persons on account of any Civil  
 Debt which shall not exceed the Sum of Eight Pounds Six Shillings  
 and Eight-pence Sterling, exclusive of Interest and Expences thereon:  
 Provided that it shall be lawful to imprison Debtors on Debts  
 incurred or which may become due under Contracts made before the  
 passing of this Act in like Manner as if this Act had not been  
 passed; provided always, that Imprisonment for such Debts shall  
 commence before the First Day of *January* One thousand eight  
 hundred and forty.

No Person to  
 be imprisoned  
 for a Debt  
 not exceeding  
 8l. 6s. 8d.

II. And be it enacted, That from and after the First Day of  
*January* One thousand eight hundred and thirty-six it shall not be  
 lawful for any Magistrate, or Keeper of a Prison, or other Officer  
 having the Charge of any Prison, in *Scotland*, to receive into such  
 Prison, or for any Messenger at Arms or other Officer of the Law  
 to apprehend or detain in Custody the Person of any Debtor or  
 alleged Debtor for a Civil Debt of an Amount not exceeding Eight  
 Pounds Six Shillings and Eight-pence Sterling, exclusive of Inter-  
 est and Expences thereon, in virtue of Letters of Caption, Act of  
 Warding, Decree of a Small Debt Court, or other Warrant, un-  
 less in the Case of Debts contracted before the passing of this Act  
 as aforesaid.

After 1st Jan.  
 1836 Gaolers  
 not to receive  
 into their Cus-  
 tody any Person  
 for a Debt not  
 above 8l. 6s. 8d.

III. And be it enacted, That on Application made to the Sheriff  
 of the County in which the Prison shall be situated, or to the Ma-  
 gistrates having charge of any Prison, by any Prisoner incarcerated  
 therein, showing that he is imprisoned or detained in Gaol for a  
 Civil Debt or Debts contrary to the Provisions of this Act, such  
 Sheriff or Magistrates shall cause Intimation to be made to the incar-  
 cerating Creditor or Creditors, upon Induciae of Six Days after Inti-  
 mation; and on being satisfied that the Statement of the Prisoner  
 is consistent with Truth, such Sheriff or Magistrates shall without  
 Delay grant Warrant for his Liberation in so far as regards the Debt  
 due to such Creditor.

Sheriff or  
 Magistrates  
 may direct the  
 Discharge of  
 any Person  
 imprisoned for  
 a less Amount.

IV. And be it enacted, That it shall not be lawful for any Per-  
 son to acquire from Third Parties, by Assignment or otherwise,  
 except by Marriage or Inheritance, One or more Civil Debts of or  
 below the Amount of Eight Pounds Six Shillings and Eight-pence  
 Sterling, against any One Individual, to the Effect of accumulating  
 such Debts into One Decree or Warrant or Writ, or of adding the  
 same to Debts previously due to him of or below the said Amount,  
 for the Purpose of defeating this Act, by imprisoning the Debtor  
 for such accumulated Debts.

Persons not to  
 acquire Debts  
 under Sum  
 before specified,  
 except by  
 Marriage or  
 Inheritance.

V. And be it enacted, That nothing in this Act contained shall  
 affect Obligations ad facta præstanda, or the Right of His Majesty

Not to affect  
 Recovery of  
 Fines or  
 Forfeitures.

OR



or His Officers, or the Fiscals of Courts of Law, or others, to imprison as formerly, or on account of Taxes or Penalties due to the Revenue, or on account of any Fines or Forfeitures imposed or hereafter to be imposed by Law, or apply to Imprisonment for Poor Rates or local Taxation, or to Imprisonment for Sums decerned for Aliment.

VI. And be it enacted, That this Act may be repealed, altered, or amended during the present Session of Parliament.

Act may be altered this Session.

### CAP. LXXI.

An Act for appointing Commissioners to continue the Inquiries concerning Charities in *England* and *Wales* until the First Day of *March* One thousand eight hundred and thirty-seven. [9th *September* 1835.]

58 G. 3. c. 91. **W**HEREAS an Act was passed in the Fifty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for appointing Commissioners to inquire concerning Charities in England for the Education of the Poor*; and another Act was passed in the Fifty-ninth Year of the same Reign, intituled 59 G. 3. c. 81. *An Act to amend an Act of the last Session of Parliament, for appointing Commissioners to inquire concerning Charities in England for the Education of the Poor, and to extend the Powers thereof to other Charities in England and Wales, to continue in force until the First Day of August One thousand eight hundred and twenty-three, and from thence until the End of the then next Session of Parliament*; and an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to continue for Four Years, and from thence until the End of the then next Session of Parliament, the Powers of the Commissioners for inquiring concerning Charities in England and Wales*; and an Act 10 G. 4. c. 57. was passed in the Tenth Year of the same Reign, intituled *An Act to continue, until the First Day of July One thousand eight hundred and thirty, the Powers of the Commissioners for inquiring concerning Charities in England and Wales*: And whereas an Act was 1 & 2 W. 4. c. 34. passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act for appointing Commissioners to continue the Inquiries concerning Charities in England and Wales for Two Years, and from thence to the End of the then next Session of Parliament*: And whereas the Commissioners appointed under and by virtue of the said Two first-mentioned and the said last-mentioned Acts respectively pursued the Inquiries thereby authorized and directed, and made several Reports of their Proceedings; but the Powers of the Commissioners appointed under the said last-mentioned Act expired on the Fifteenth Day of *August* One thousand eight hundred and thirty-four: And whereas many Charities still remain to be investigated, and further Time will be required for that Purpose; and it is therefore expedient that Commissioners should be appointed for the Purposes aforesaid, to act according to the Provisions and Limitations herein-after expressed and contained: And whereas an Act was passed in the Second 2 W. 4. c. 57. Year of the Reign of His present Majesty, intituled *An Act to continue and extend the Provisions of an Act passed in the Fifty-*

‘ ninth Year of His Majesty King George the Third, for giving  
 ‘ additional Facilities in Applications to Courts of Equity regarding  
 ‘ the Management of Estates or Funds belonging to Charities; and  
 ‘ for making certain Provisions respecting Estates or Funds belonging  
 ‘ to Charities : And whereas it is expedient that certain of the Pro-  
 ‘ visions of the said last-recited Act should be continued in manner  
 ‘ herein-after mentioned :’ Be it therefore enacted by the King’s  
 most Excellent Majesty, by and with the Advice and Consent of the  
 Lords Spiritual and Temporal, and Commons, in this present Parli-  
 ament assembled, and by the Authority of the same, That it shall  
 and may be lawful for His Majesty to issue a Commission under the  
 Great Seal to any Number of Persons, not fewer than Thirty,  
 who shall be constituted Commissioners for the Purposes intended  
 by this Act, One of whom shall be and be denominated the Chief  
 Commissioner, and shall superintend and direct the Mode of pro-  
 ceeding of the other Commissioners acting in the Execution of this  
 Act ; and that they the said Commissioners shall and they are here-  
 by empowered and required, in manner herein-after mentioned,  
 to examine into and investigate the Amount, Nature, and Appli-  
 cation of all Estates and Funds of what Nature or Kind soever, and  
 the Produce thereof, destined or intended to be applied to the Pur-  
 pose of educating the Poor in *England* and *Wales*, or to the Support  
 of any Charity or Charities or charitable Donation or Donations  
 for the Benefit of poor Persons in *England* and *Wales*, or held un-  
 der Trusts created for any charitable Uses or Purposes whatever in  
*England* or *Wales* (except as is herein-after provided and excepted),  
 and to examine into and investigate all Breaches of Trust, Irregu-  
 larities, Frauds, Abuses or supposed Abuses, or Misconduct in rela-  
 tion to and in the Management or Appropriation or Nonappropriation  
 or Misappropriation of such Estates and Funds ; and the said  
 Commissioners shall once in each Half Year during the Continuance  
 of the said Commission report and certify, in Writing under their  
 Hands and Seals, to the King’s most Excellent Majesty, their Pro-  
 ceedings touching the Amount, Nature, Management, Application,  
 and Appropriation of such of the aforesaid Estates and Funds as  
 they shall have inquired and examined into, and also what is the  
 Nature of such Estates and Funds respectively, and the actual  
 annual Produce thereof, and what is the actual annual Value thereof,  
 and in whose Possession, as Tenants thereof, any Part thereof,  
 consisting of Lands, Tenements, or Hereditaments, shall be, adding  
 at the same Time such Observations as shall occur to them respect-  
 ing such Mode as they shall deem most effectual for the recovering  
 of such Part or Parts of such Estates or Funds as shall appear to  
 them to have been applied in breach of the several Trusts created in  
 respect of the same, or shall appear to have been omitted to be  
 applied in pursuance of such Trusts, and subjoining such Sugges-  
 tions as may seem to them expedient respecting the most effectual  
 Mode of securing such Estates and Funds and their respective Pro-  
 duce against any future Misapplication thereof.

II. And be it enacted, That if upon such Inquiry as aforesaid it  
 shall appear to the said Commissioners that, from any Cause what-  
 soever, it has become impossible to apply the Estates or Funds  
 aforesaid, or any Part thereof, to the Purposes to which the same  
 were destined or directed to be applied, the said Commissioners shall  
 report

Commissioners  
 to be appointed  
 to inquire into  
 the Nature and  
 Management  
 of Charities.

To report  
 half-yearly.

Commissioners  
 to report special  
 Circumstances,  
 where Funds  
 cannot be ap-  
 plied to destined  
 Purposes.

report the special Circumstances of each Case, subject, as to the Mode of making such Report, to the Directions of the Chief Commissioner in that Behalf.

Salaries to a limited Number of Commissioners.

III. And be it enacted, That no Remuneration shall be given for and in respect of the Execution of this Act to such of the said Commissioners as shall be Members of either House of Parliament, nor to any Number exceeding Twenty of the Commissioners; but there shall be allowed and paid to every such Commissioner such reasonable Sums for and in respect of such travelling Expences as may be incurred in the Execution of this Act as in the Judgment of the Lord High Treasurer or the Commissioners of His Majesty's Treasury for the Time being shall be deemed requisite.

Commissioners to take Oath before entering upon their Duties.

IV. And be it enacted, That each of the said Commissioners to be appointed by virtue of this Act shall, previously to his entering upon the Execution of the same, take an Oath before the Chancellor of the Exchequer or the Master of the Rolls for the Time being (which Oath they are hereby respectively authorized and required to administer), the Tenor whereof shall be as followeth; (that is to say,)

‘ I *A. B.* do swear, That, according to the best of my Skill and Knowledge, I will faithfully, impartially, and truly execute the several Powers and Trusts vested in me by an Act, intituled [*here insert the Title of this Act*], according to the Tenor and Purport of the said Act.’

Vacancies of Commissioners may be filled up by the Crown.

V. And be it enacted, That in case of a Vacancy or Vacancies by the Death, Removal, or Resignation of any such Commissioners, it shall be lawful for His Majesty, His Heirs and Successors, to nominate and appoint such Person or Persons as He or They may think proper for the supplying of such Vacancy or Vacancies.

Appointment of Secretary, Clerks, &c.

VI. And be it enacted, That it shall and may be lawful for the said Commissioners and they are hereby authorized to appoint and employ such Secretary, Clerks, Messengers, and Officers, not exceeding in the whole One Secretary, Twenty Clerks, One Messenger, and Two other Officers, as they shall think meet, and to administer to each of the said Secretary, Clerks, and Officers an Oath for his true and faithful Demeanor in all Things relating to the due Performance of any Trust respecting the Execution of this Act reposed in him by the said Commissioners, and in all other Things touching the Premises; which Secretary, Clerks, and Officers are hereby required faithfully to execute and perform the said Trust in them severally and respectively reposed, without taking any thing for such their Service other than such Salary or Reward as the said Commissioners shall think fit to direct and appoint in their Behalf.

Commissioners to hold Sitings and summon Persons and send for Papers.

VII. And be it enacted, That, for the Purpose of prosecuting the Inquiries and Examinations by this Act directed, the said Commissioners, or any One or more of them, shall from Time to Time hold their or his Sitings, with or without Adjournment, within the City of *Westminster*, or in any other City, Town, Borough, Hamlet, Village, or Place respectively in *England* or *Wales*, which to them or him shall appear most convenient for executing the Purposes of this Act; and the said Commissioners or Commissioner are or is hereby authorized to require, by Precepts under their or his Hands and Seals or Hand and Seal, from any Person or Persons acting as a Trustee or Trustees for any of the said Estates or Funds, or having

any Concern in the Management or Administration of the same, or in the Payment or Receipt of any of the said Funds or Estates, or any Charge upon any Fund or Estate applicable to any charitable Uses or Purposes as aforesaid, to render to the said Commissioners or Commissioner a true Account, as far as consists with their Knowledge, of all that relates to such Funds or Estates as aforesaid under their Trust or Management, or on account of which they may have acted in making or receiving Payments; and, as often as Need shall be, to send their or his Precepts, under their or his Hands and Seals of Hand and Seal, for any Person or Persons whomsoever to attend them or him, and require such Person or Persons to bring with him, her, or them any Deed, Paper, Writing, Instrument, or other Document being in his, her, or their Custody and Possession, and relating to any such Estates or Funds, or the Produce thereof, or to the Receipt or Application or Nonapplication or Misapplication thereof, which shall in the Judgment of such Commissioners or Commissioner be conducive and necessary to the due Execution of the Purposes of this Act; and every Person to whom such Precept shall as aforesaid have been addressed and delivered is hereby required and directed punctually to attend the said Commissioners or Commissioner at such Time and Place as shall for that Purpose have been appointed; and to every such Person or Persons may be paid such Sum of Money as in the Judgment of the said Commissioners or Commissioner shall be just and reasonable: Provided always, that no such Person shall be obliged to travel in obedience to such Precept more than Ten Miles from his or her Place of Abode.

No Person obliged to travel more than Ten Miles.

Commissioners empowered to examine upon Oath.

VIII. And for rendering more effectual all such Examinations as are intended to be had under this Act, be it enacted, That the said Commissioners, or One or more of them, are or is hereby authorized to examine upon Oath, or upon the Affirmation of Persons exempted by Law from Liability to Examination upon Oath, (which Oath or Affirmation the said Commissioners, or any One or more of them, are or is hereby respectively authorized to administer,) all Persons whom the said Commissioners, or any One or more of them, are or is by the Provisions of this Act empowered to call before them or him to be examined touching all Matters and Things necessary for the Execution of the Powers vested in them or him by this Act.

IX. And be it enacted, That the said Commissioners respectively shall and they are hereby required to cause the Examinations which shall be taken before them respectively, and all Papers and Documents being Parts of such Examinations, to be from Time to Time transmitted to the Secretary of the said Commissioners at their Office in *Westminster* aforesaid.

Examinations and Papers to be transmitted to Office in Westminster.

X. And be it enacted, That in case any Person upon Examination on Oath or upon Affirmation, as the Case may be, before the said Commissioners or Commissioner, shall wilfully and corruptly give false Evidence, every such Person so offending, and being thereof duly convicted, shall be and is hereby declared to be subject and liable to such Pains and Penalties as under any Law now in force may be inflicted on Persons convicted of wilful and corrupt Perjury.

Penalties of Perjury for false swearing.

XI. And be it enacted, That if any Person summoned to appear before the said Commissioners, or any One or more of them, shall wilfully

Persons refusing to appear before Commissioners, or to produce

Deeds, &c. or to answer Questions, liable to be fined by the Court of King's Bench or Exchequer.

wilfully omit or refuse to appear before such Commissioners or Commissioner, or to bring or to produce any Deed, Paper, or Writing, Instrument or other Document, in his or her Possession, Custody, or Power, and which he or she shall be required by the Precept of any such Commissioners or Commissioner to produce, relating wholly to the Estates or Funds which shall be the Subject of Inquiry before the said Commissioners or Commissioner, or to the Receipt or Application or Nonapplication or Misapplication thereof, or to the State of the Schools or Charities which shall be the Subject of Inquiry before such Commissioners or Commissioner, or the true Copy of any Part or Parts of any Deed, Paper, Writing, or other Instrument (and which Copy any such Commissioners or Commissioner are or is hereby empowered to require by such Precept), or shall refuse to be sworn, or, being a Person exempted by Law from Liability to Examination upon Oath, to affirm, or, being sworn or having affirmed, as the Case may be, shall refuse to answer to and before the said Commissioners or Commissioner, or to answer fully any lawful Question on Oath or Affirmation respectively touching or concerning any Matter or Thing relating to such Estates or Funds as aforesaid, or to the State of such Schools or Charities as aforesaid (except in Cases excepted by this Act), every such Person so refusing to comply with any such lawful Requisitions of the said Commissioners or Commissioner shall be liable to the Payment of such Fine to His Majesty as the Court of King's Bench or the Court of Exchequer, on Application made by or on the Behalf of the said Commissioners or Commissioner, or by His Majesty's Attorney General for the Time being, shall think fit to set and impose, which Fine the said Court of King's Bench or Court of Exchequer is hereby authorized and empowered to set and impose according to their Discretion respectively, and to enforce Payment of the same, by Attachment or otherwise, in such Manner as the said Courts respectively may do in Cases of Contempt of the same Courts.

Purchasers without Notice not bound to answer Interrogatories.

XII. Provided always, and be it enacted, That if any Person who shall be summoned to appear before the said Commissioners, or any One or more of them, shall upon his or her Examination allege that he or she hath purchased or obtained for valuable Consideration any Estate or Interest of, in, to, or out of any Lands, Tenements, Rents, or Annuities, Hereditaments, Goods, or Chattels, touching which he or she shall be sought to be so examined, without Fraud or Covin, having no Notice of any charitable Trust or Use to which the said Lands, Tenements, Rents, Annuities, Hereditaments, Goods, or Chattels, or any Charge thereon, have or has been given, limited, or directed to be applied, then such Person shall not be bound to make further Answer to any Interrogatory of such Commissioners or Commissioner, nor to produce or show to them or him any Deed, Paper, Writing, Instrument, or other Document relating to his or her Estate or Interest in such Lands, Tenements, Rents, Annuities, Hereditaments, Goods, or Chattels.

Mortgagees, Trustees, &c. not compellable to produce Deeds without Notice to

XIII. Provided also, and be it enacted, That no Person having the Custody of any Deed, Paper, Writing, Instrument, or other Document, as Mortgagee, Trustee or Agent, Solicitor or Attorney, shall be compellable to produce the same, or to give any Evidence

as to the Contents thereof, without Notice being first given to his Mortgagor, Cestuique Trust, or Principal, and the said Mortgagor, Cestuique Trust, or Principal being examined touching the same by the said Commissioners or Commissioner; and in case such Mortgagor, Cestuique Trust, or Principal shall by the Provisions of this Act be exempted from producing the said Deed, Paper, Writing, Instrument, or other Document, then the Mortgagee, Trustee or Agent, Solicitor or Attorney, shall not be bound to produce or show the same, or give any Evidence of the Contents thereof, to the said Commissioners or Commissioner: Provided also, that no Person shall be compellable to answer any Question, or to produce any Deed, Paper, Writing, Instrument, or other Document, the Answer to which or the Production of which may criminate or tend to criminate such Person, or to expose such Person to any Pains or Penalties.

Mortgagors,  
Cestuique  
Trusts, &c.

Persons not  
compellable  
to criminate  
themselves.

XIV. And be it enacted, That the said Commissioners shall and may receive and send by the General Post from and to Places within the United Kingdom all Letters and Packets relating solely and exclusively to the Execution of this Act free from the Duty of Postage, provided that such Letters and Packets as shall be sent to the said Commissioners shall be directed to the "Commissioners of Charities," at their Office in *Westminster*, and that all such Letters and Packets as shall be sent by the said Commissioners shall be in Covers with the Words "Office of Commissioners of Charities, pursuant to an Act of Parliament passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth," printed on the same, and be signed on the Outside thereof under such Words with the Name of such Person as the said Commissioners, with the Consent of the Lords Commissioners of the Treasury or any Three or more of them, shall authorize and appoint, in his own Handwriting, (such Name to be from Time to Time transmitted to the Secretaries of the General Post Office in *London* and *Dublin*,) and under such other Regulations and Restrictions as the said Lords Commissioners, or any Three or more of them, shall think proper and direct; and the Person so to be authorized is hereby strictly forbidden so to subscribe any Letter or Packet whatsoever except such only concerning which he shall receive the special Direction of his superior Officer, or which he shall himself know to relate solely and exclusively to the Execution of this Act; and if the Person so to be authorized, or any other Person, shall send, or cause or permit to be sent, under any such Cover, any Letter, Paper, or Writing, or any Inclosure other than what shall relate to the Execution of this Act, every Person so offending shall be dismissed from his Office, and shall forfeit and pay the Sum of One hundred Pounds, one Moiety of the said Penalty to the Use of His Majesty, His Heirs and Successors, and the other Moiety to the Use of the Person who shall inform or sue for the same, to be sued for and recovered in any of His Majesty's Courts of Record at *Westminster*; and if any Letter, Paper, or Writing, or other Inclosure, shall be sent under Cover to the said Commissioners, the same not relating solely and exclusively to the Execution of this Act, they are hereby strictly required and enjoined to transmit the same forthwith to the Secretary of the Post Office in *London*, with the Covers under

Letters to and  
from Commis-  
sioners to be  
free of Postage  
if sent con-  
formably hereto.

Penalty and  
Loss of Office  
for sending  
Letters not  
relating solely  
to the Business  
of the Act.

In case of Let-  
ters sent under  
Cover to the  
Commissioners,  
not relating  
solely to the  
Business of  
the Act.

which the same shall be sent, in order that the Contents thereof may be charged with the full Rates of Postage.

Officers having Custody of Records to furnish Extracts if required by a Commissioner.

XV. And be it enacted, That whenever any Extract from the Enrolment of any Charter or Deed, or from any Decree, Report, Record, or other Document whatever, deposited or remaining in any of the Offices belonging to or under the Control of the Courts of Chancery or Exchequer, or in any Public Registry, shall be required for the Purposes of this Act by any Order signed by One of the Commissioners under this Act, the Officer or Officers having the Custody of such Enrolment, Decree, Report, Record, or other Document, shall furnish an Extract of so much only as shall be so required of any such Enrolment, Decree, Report, Record, or other Document; and that any such Extract, or any Copy, which shall be required for the Purposes of this Act by any Order signed by One of the said Commissioners, of any such Enrolment, Decree, Report, Record, or other Document, shall not be subject or liable to the Payment of any Stamp Duty whatever, any Law, Statute, or Usage to the contrary in anywise notwithstanding.

No Stamp Duty on Extracts or Copies required by a Commissioner.

XVI. And be it enacted, That this Act or any of the Provisions therein contained shall not extend or be construed to extend to either of the Universities of *Oxford* or *Cambridge*, nor to any College or Hall within the same, nor to any Schools or other Endowments of which the said Universities, Colleges, or Halls are Trustees, nor to the Colleges of *Westminster*, *Eton*, or *Winchester*, nor to the *Charter House*, nor to the Schools of *Harrow* or *Rugby*, or any of them, nor to the Corporation of the *Trinity House of Deptford Strond*, nor to any Cathedral or Collegiate Church within *England* or *Wales*, nor to any Funds applicable to the Benefit of any Persons of the Jewish Persuasion, or the People called Quakers, or Persons of the Roman Catholic Persuasion, and which shall be under the Superintendence and Control of Persons of such Persuasions respectively.

Act not to extend to Universities, Public Schools, &c. ;

nor to Charities chiefly supported by voluntary Contributions ;

XVII. Provided also, and be it enacted, That this Act or any of the Provisions therein contained shall not extend or be construed to extend to any Institution established, or Society, for charitable Purposes, wholly or principally maintained by voluntary Contributions, and under the Superintendence and Control of any Committee or Governors or other Person or Persons chosen or appointed out of or by voluntary Subscribers thereto; and that the Application of any Donation or Bequest to the general Purposes of any such Institution, Establishment, or Society, in aid of such voluntary Contributions, shall not be subject to the Examination or Interference of the Commissioners appointed under this Act: Provided always, that the Management and Application of the Rents and Profits of any Lands, Tenements, or Hereditaments belonging to such Institution, Establishment, or Society for the Period of Twenty Years or upwards before the passing of this Act, shall in all such Cases be subject to the Examination of the said Commissioners at their Discretion.

except as to Management and Application of Rents for Twenty Years.

Attorney General's Certificate to be Evidence of Particulars of Cases having

XVIII. And be it enacted, That in all Cases of Proceedings instituted or to be instituted by His Majesty's Attorney General in pursuance of the said recited Act of the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third herein-before secondly

secondly mentioned, or of the said recited Act of the Second Year of the Reign of His present Majesty, or of this Act, the Production to the Court of a Certificate under the Hand of His Majesty's Attorney General, stating that the Particulars of the Case in question in Writing have been certified to His Majesty's Attorney General for the Time being, according to the Provisions of the said recited Acts of the Fifty-ninth Year of His said late Majesty or of the Second Year of His present Majesty, or of this Act, as the Case may be, shall be deemed sufficient Evidence that such Particulars have been duly certified to His Majesty's Attorney General accordingly, to and for all Intents and Purposes whatsoever.

been duly certified by Commissioners.

XIX. And be it enacted, That in all Cases of Proceedings instituted or to be instituted by His Majesty's Attorney General in pursuance of the before-recited Acts it shall and may be lawful for the said Chief Commissioner and he is hereby directed to superintend all such Proceedings, with a view to their prompt and effectual Termination.

Chief Commissioner to superintend Proceedings instituted by Attorney General.

XX. And be it enacted, That whenever it shall appear to the said Commissioners to be appointed under the Authority of this Act that the Property belonging to any Charity consists only of One or more Annuity or Rent-charge, Annuities or Rent-charges, not exceeding in the whole the yearly Sum of Fifty Pounds, and that there are no existing Trustees or Persons legally qualified to receive and give an effectual Discharge for such Annuity or Rent-charge, Annuities or Rent-charges, it shall and may be lawful for any Five of the said Commissioners, by Writing under their Hands, to empower the resident Minister and the Churchwardens or Chapelwardens for the Time being of the Parish or Place interested in such Charity, in case only One Parish or Place is so interested, but if more than One Parish or Place is so interested, then the resident Minister and the Churchwardens or Chapelwardens of some one of the Parishes or Places interested, to receive the said Annuity or Rent-charge, Annuities or Rent-charges, or any Arrears thereof, and to apply the same according to the Purposes of the charitable Donations or Bequests thereof, in the same Manner as the Trustees of the said Charity would have been bound to do; and the Power so to be given to such Minister and Churchwardens or Chapelwardens shall remain in force until Trustees of the said Charity duly appointed shall appear and claim the Administration of the Funds thereof, or until Trustees of the said Charity shall be appointed by the Court of Chancery or Court of Exchequer; and all Receipts to be given by such Minister and Churchwardens or Chapelwardens shall be effectual Discharges to the Persons liable to the Payment of such Annuities or Rent-charges for all such Sums as in such Receipts shall be expressed to have been received in respect thereof; and in case of Nonpayment of such Annuities or Rent-charges, or any Arrears thereof, it shall and may be lawful for such Minister and Churchwardens or Chapelwardens respectively, during the Continuance of the Power to be given to them by virtue of the Provisions of this Act, to use and exercise all such Powers and Remedies for recovering and compelling Payment of the said Annuities or Rent-charges and the Arrears thereof as the Trustees of the said Charities respectively might or could have done if duly appointed.

For empowering resident Ministers and Churchwardens to receive Rent-charges belonging to Charities, where no existing Trustees.



Limitation of Actions.

XXI. And be it enacted, That any Action or Suit which shall be brought against any Commissioner or Commissioners to be appointed under the Authority of this Act, or against any Person or Persons acting under the Authority or by the Order of such Commissioners, or any One or more of them, for any thing done or acted by him or them under this Act, shall be commenced within Six Calendar Months next after the Fact committed in respect of which such Action or Suit shall be brought or commenced, and not afterwards; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and if such Action or Suit shall be brought or commenced after the Time so limited for bringing the same, then the Jury shall find a Verdict for the Defendant or Defendants; and in such Case, or if the Jury shall find a Verdict for the Defendant or Defendants upon the Merits, or if the Plaintiff or Plaintiffs shall become Nonsuit, or discontinue his, her, or their Action after Appearance, or if upon Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, which he or they shall and may recover in such and the same Manner as any Defendant can by Law in other Cases.

General Issue.

Treble Costs.

Previously to presenting Reports, Commissioners may direct Attorney General to file Informations.

XXII. Provided always, and be it enacted, That previously to presenting any Report the said Commissioners shall give Directions, in all Cases in which they shall think it fit, to the Attorney General to file Informations in the Courts of Chancery or Exchequer on the Matter arising out of such Reports, and shall not, nor shall any of the Clerks or Secretaries under this Act, give any Information touching any such Matters to any Person other than the Attorney General or the Persons employed by the said Commissioners previous to the Directions so by the said Commissioners given to the Attorney General.

Continuance of Act.

XXIII. And be it enacted, That this Act shall continue in force until the First Day of *March* One thousand eight hundred and thirty-seven.

Act may be amended this Session.

XXIV. And be it enacted, That this Act may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

## CAP. LXXII.

An Act for abolishing the Excise Incorporation in *Scotland*, and for transferring the Funds of the said Incorporation to the Consolidated Fund, and providing for the Payment of the Annuities to the Widows and Orphans of late and present Members of the Incorporation Fund.

[9th *September* 1835.]

Royal Charter or Letters Patent of 14th July 1748 establishing the Excise Incorporation in *Scotland*.

‘ WHEREAS, for the Purpose of raising a Fund by Contributions out of their Salaries for Payment of Annuities to their Widows and Orphans, the Officers of Excise under the Management of the Commissioners of Excise in *Scotland* were, by a Royal Charter or Letters Patent under the Seal appointed by the Treaty of Union to be kept and made use of in place of the Great Seal of *Scotland*, bearing Date the Fourteenth Day of *July* in the  
‘ Twenty-

‘ Twenty-second Year of the Reign of His Majesty King *George*  
 ‘ the Second, and in the Year of our Lord One thousand seven  
 ‘ hundred and forty-eight, constituted, erected, incorporated, and  
 ‘ perpetually established and confirmed into One Body Politic and  
 ‘ Corporate, or legal Incorporation and Society, under the Title and  
 ‘ Name of “ The Excise Incorporation in *Scotland*,” and as such  
 ‘ and by such Name to have a perpetual Endurance and Succes-  
 ‘ sion; and for the Ends and Purposes of raising such Fund, and  
 ‘ making such Payment, it was by the said Charter or Letters  
 ‘ Patent, among other Things, ordained, directed, ordered, and  
 ‘ appointed that the said Corporation should comprehend and be  
 ‘ distinguished into Three different Classes; the First whereof to  
 ‘ consist of General Supervisors, General Surveyors, and Collec-  
 ‘ tors, or such like Offices, if held under any other Names at any  
 ‘ Time thereafter; the Second Class to consist of Supervisors, Sur-  
 ‘ veyors, Examiners, Accountants, and Clerks, or such like Offices,  
 ‘ if under other Names; the Third Class, of Gaugers, Supernume-  
 ‘ raries, or Assistants, or such like Offices if under other Names;  
 ‘ and also that in order to establish the said Fund each Member of  
 ‘ the Corporation should pay the Sums after mentioned, according  
 ‘ to their Class, during their Lives yearly, and by Eight equal Pay-  
 ‘ ments; (that is to say,) those of the First Class, Three Pounds  
 ‘ Four Shillings Sterling Money yearly; those of the Second Class,  
 ‘ Two Pounds Eight Shillings Sterling Money yearly; and those of  
 ‘ the Third Class, One Pound Twelve Shillings like Money yearly;  
 ‘ and also certain additional Contributions on Promotion and on  
 ‘ Contributors marrying twice or oftener; and further that the Sums  
 ‘ of Money so to be contributed and paid should be subject and  
 ‘ applied to the Annuities payable to the Widows and Children of  
 ‘ the Contributors according to the Classes before mentioned, and at  
 ‘ the Rates after specified, that is, that there should be paid to the  
 ‘ Widow or Children of each Contributor of the First Class a yearly  
 ‘ Annuity of Sixteen Pounds Sterling, of each Contributor of the  
 ‘ Second Class a yearly Annuity of Twelve Pounds Sterling, and of  
 ‘ each Contributor of the Third Class a yearly Annuity of Eight  
 ‘ Pounds like Money, all to be paid quarterly, on the Twenty-fifth  
 ‘ Day of *March*, Twenty-fourth Day of *June*, Twenty-ninth Day of  
 ‘ *September*, and Twenty-fifth Day of *December*; and that when a  
 ‘ Contributor should leave a Widow and no Children, the said  
 ‘ Annuity should be paid to her during her natural Life and Vi-  
 ‘ duity, but upon her Decease or marrying again should thenceforth  
 ‘ cease and determine; and when he should have Children, One or  
 ‘ more, under the Age of Twelve Years, and no Widow, the said  
 ‘ Annuity should be paid to the said Children until the youngest  
 ‘ of them attained the Age of Twelve Years complete, but thence-  
 ‘ forth and thereafter should cease and determine; and that when  
 ‘ the Contributor should leave both a Widow and Children, One or  
 ‘ more, under the Age of Twelve Years, the Annuity should be paid  
 ‘ to the Widow during her Life and Viduity, and in case of her  
 ‘ dying or marrying again before the youngest of the said Children  
 ‘ attained the Age of Twelve Years complete, should no longer be  
 ‘ payable to the Widow, but should thenceforth be paid to the  
 ‘ Children, and until the youngest of them should attain the Age  
 ‘ of Twelve Years complete, and should then cease and determine;

45 G. S. c. 31.

and Provision was also made in and by the said Royal Charter or Letters Patent for raising and managing the said Fund and Contributions, and paying the said Annuities, by Managers to be elected and appointed as therein was directed: And whereas it having been found by Experience that higher Rates of Contribution and the Interest of a larger Stock of Capital, in proportion to the increased Number of Members, would be necessary for raising the same and for extending the Benefits of the said Royal Charter or Letters Patent, an Act was passed in the Forty-fifth Year of the Reign of His Majesty King *George the Third*, intituled *An Act for confirming the Charter and enlarging the Powers of the Corporation of the Officers of Excise in Scotland*, by which said Act the said Charter and Letters Patent, and all the Regulations, Ordinances, and Appointments therein contained, and all the Proceedings had in consequence thereof, were confirmed, so far as the same were not altered by the said Act, and by the said Act the said Incorporation was directed to be continued and distinguished into Three Classes; (that is to say,) the First Class thereof to consist of General Supervisors, General Surveyors, and Collectors, along with the Auditor, the Comptroller, the Cashier, the Secretary or Secretaries, the Solicitor or Solicitors, the General Accountants, and the General Examiner, and the Deputies established in the actual Execution of those Offices, or the Persons in the actual Occupation of Offices of the like Nature, if held under other or different Names; the Second Class to consist of Supervisors, Surveyors, Examiners, Accountants, and Clerks in the General Excise Office in *Edinburgh* receiving Salaries directly out of the Revenue, or the Persons established in the actual Occupation of Offices of the like Nature, if held under any other or different Names; the Third Class to consist of Gaugers or Officers, Supernumeraries and Assistants, or the Persons established in the actual Occupation of Offices of the like Nature, if held under other or different Names; and every Member of the said Incorporation is by the said Act made subject and liable to and to pay the Sum or Rate herein-after mentioned according to his proper Class, during his Life yearly, by Four equal quarterly Payments; (that is to say,) each Member of the First Class, Seven Pounds and Ten Shillings; each Member of the Second Class, Five Pounds Twelve Shillings and Sixpence; and each Member of the Third Class, Three Pounds Fifteen Shillings; and Provision is thereby also made for the Payment of the Difference of Rates on the Promotion of Members from a lower to a higher Class, and for the Payment of certain additional Rates on Marriage; but an Option being by the said Act given to the Contributors under the said Royal Charter or Letters Patent to accede or not to the Provisions of the said Act, in order to secure upon just and equitable Terms the limited Advantages proposed by the said Royal Charter or Letters Patent, it is directed by the said Act that every non-acceding Member should, in pursuance of a Provision made and reserved to that Effect in the said Royal Charter or Letters Patent, be called upon and obliged in future regularly to pay into the said Fund, towards the due and necessary Support thereof, not only his ordinary annual Contribution, and the Rates imposed in case of any second or subsequent Marriage, as directed by the afore-

said

said Royal Charter or Letters Patent, but also an Addition to his  
 said ordinary Contributions, and along with the same, at the Rate  
 of Seven Shillings and Sixpence annually, for a Contribution of  
 the Third Class over and above his then present Rate of One  
 Pound Twelve Shillings and Sixpence, making together the annual  
 Rate of Two Pounds, and so in proportion for those of the Two  
 higher Classes, as before distinguished respectively; and all the  
 Rates and Sums of Money so to be contributed, together with all  
 that had already been contributed and accumulated under the  
 Royal Charter or Letters Patent aforesaid, were by the said Act  
 directed to continue and be vested in and applied by Order and  
 Direction of the said Incorporation, and the Managers and  
 Cashiers thereof, appointed as therein mentioned, for behoof of the  
 same and their Successors in Office, to and for the Uses and Pur-  
 poses after mentioned, (that is to say,) in the first place, for de-  
 fraying the necessary Expences incurred and to be incurred in the  
 passing of the said Act, and in establishing and executing the  
 Scheme; secondly, for the further raising of a Fund and Capital  
 Stock for the Purposes of the Scheme to the Extent therein limit-  
 ed, subject and applicable to the Payment of Annuities to Widows  
 and Children of Contributors, according to the Three several  
 Classes therein-before distinguished, at the Rates after specified;  
 (that is to say,) that there should be paid as a yearly Annuity to  
 the Widow or to the lawful Children of each Contributor, of the  
 First Class, Thirty-two Pounds; of the Second Class, Twenty-four  
 Pounds; and of the Third Class, Sixteen Pounds; such several  
 Annuities to be paid by equal Portions quarterly, and within One  
 Month after each Quarter Day respectively, to wit, on the Fifth  
 Day of *January*, Fifth Day of *April*, Fifth Day of *July*, and  
 Tenth Day of *October*, successively, commencing the First Quar-  
 ter's Payment at the first of these Days which should happen  
 after the Death of the Contributor, and so on regularly during the  
 natural Life of the Widow and her remaining unmarried, or until  
 the youngest surviving Child of such Contributor should attain the  
 Age of Sixteen Years complete, whichever of these Events should  
 happen the latest; provided that the Widows and Children of  
 Contributors under the said Royal Charter or Letters Patent not  
 acceding to the Scheme under the said recited Act were to be  
 paid Annuities only at the former limited Rates under the said  
 Royal Charter or Letters Patent, and to continue to Children  
 only until the youngest of such Children should attain the Age of  
 Twelve Years, as provided by the said original Patent; and in  
 order to render the Funds thereby established sufficient and suit-  
 able for answering the several Purposes of the said Act, Power  
 was thereby given to raise a Capital Fund or Stock, proportioned  
 to the Number of Contributors, according to certain Rules and  
 Regulations in the said Act contained; and it was amongst other  
 Things further provided, that as soon and so often as the said  
 Stock should amount to the Capital Sum therein described and  
 limited, in proportion to the Number of Contributors, the Surplus  
 which might be found above that Amount upon balancing the  
 Accounts ending at the Fifth Day of *July* annually should be set  
 apart and applied by the Managers of the Incorporation at the  
 Time in such Portions as they should judge best, for augmenting the

' the Annuities to the Widows and Children of the Contributors  
 ' proportionably, such Augmentation not to exceed the One Half  
 ' of the ordinary Annuity payable to each Annuitant; and in case  
 ' of any Surplus beyond what should be judged necessary for making  
 ' such Augmentation within the Limit aforesaid, Power is given to  
 ' the Managers to apply such further Surplus towards paying the  
 ' Annuities in the succeeding Year, and in consequence to direct  
 ' and allow an Abatement to be made proportionably out of the  
 ' ordinary Rates payable by the whole Contributors in the said  
 ' Year respectively, or, with the Assent of the Contributors, to  
 ' form such other Plan for the Application of such last-mentioned  
 ' Surplus, and to apply the same accordingly, in such Manner as  
 ' should appear most agreeable to the Majority of the Contributors,  
 ' and most for the Benefit of all concerned; and Provision is by the  
 ' said Act also made for appointing Managers for conducting the  
 ' Affairs of the said Incorporation: And whereas the Capital Sum  
 ' in the said Act described and limited having been raised, and a  
 ' Surplus having been found, the Managers of the said Incorporation  
 ' have augmented the Annuities payable to the Widows and  
 ' Children of Contributors to the Extent of One Half more than  
 ' the Amount specified in the said Act; (that is to say,) to the  
 ' Widows and Children of Contributors, Acceders to the said Act,  
 ' of the First Class, an Annuity of Forty-eight Pounds; of the  
 ' Second Class, Thirty-six Pounds; and of the Third Class,  
 ' Twenty-four Pounds, respectively; and to the Widows and  
 ' Children of Contributors under the said Royal Charter or Letters  
 ' Patent, Non-acceders to the said Act, of the First Class, Twenty-  
 ' four Pounds; of the Second Class, Eighteen Pounds; and of the  
 ' Third Class, Twelve Pounds; and a further Surplus beyond  
 ' what was necessary for such Augmentation having been found, the  
 ' Managers of the said Incorporation have, with the Concurrence  
 ' of the Majority of the Contributors, applied the same so as to  
 ' lengthen the Period during which the said Annuities are to be  
 ' payable to the Children of the said Contributors, (that is to say,)  
 ' until the youngest of such Children, whether of acceding or non-  
 ' acceding Contributors, shall have attained the Age of Eighteen  
 ' Years: And whereas the Managers and Cashier of the said In-  
 ' corporation have, under the Authority of the said recited Act,  
 ' invested the Funds of the said Incorporation in the Purchase, in  
 ' the Name of the Cashier, of certain Shares amounting in the  
 ' whole to the Sum of Sixteen thousand five hundred Pounds of  
 ' the Capital or Joint Stock of the Bank of *England*, and in the  
 ' Purchase, in the Name of the said Cashier, of certain Shares  
 ' amounting in the whole to the Sum of Fourteen thousand Pounds  
 ' of the Capital or Joint Stock of the Royal Bank of *Scotland*, and  
 ' have also, under the Powers of the said Act, lent out on heritable  
 ' Securities, taken in the Name of the Cashier of the said In-  
 ' corporation and his Successors in Office, certain Sums of Money,  
 ' amounting in the whole to the Sum of Twenty-three thousand  
 ' five hundred Pounds, of and to which said several Sums the said  
 ' Managers and Cashiers now stand possessed and entitled for and  
 ' on behalf of the said Incorporation: And whereas the said In-  
 ' corporation now consists, more or less, of One Contributor of the  
 ' First Class, Seven Contributors of the Second Class, and Seven-  
 ' teen

'teen Contributors of the Third Class, being Contributors under the said Royal Charter or Letters Patent, but who refused or neglected to accede as Contributors under the said recited Act, and of Thirty Contributors under the said recited Act of the First Class, One hundred and nineteen such Contributors of the Second Class, and Five hundred and fifty-five such Contributors of the Third Class : And whereas the whole Revenue of Excise of the United Kingdom being now placed under the Management of ~~One General Board of Commissioners~~, all Officers in the Service of the Excise are Officers for the whole of the United Kingdom, and not for any one Part thereof, and are removeable and removed from any one Part of the United Kingdom to any other Part thereof, according to the Exigencies of the Public Service, and by the Abolition of the Chief Office of Excise at *Edinburgh* the principal Officers and Accountants who were there stationed, and were the principal Managers of the Affairs of the said Incorporation, have either ceased to be Officers of the Revenue, by the Abolition of their Offices, or have been removed to the Chief Office of Excise in *London*, and inasmuch as the Demands of the Public Service will not allow of Collectors and other Officers being called from their public Duties to meet together and act as Managers, it has been found impossible to continue the Purposes of the said Incorporation and the Management of the Affairs thereof; and it has become therefore expedient to abolish the same, and to make Provision for securing the Rights and Interests of the existing Contributors, and in order to effect the same, that the said Shares in the Stock of the Bank of *England* and Royal Bank of *Scotland* respectively should be sold, and the Monies arising from such Sales, together with all Monies which, before such Sales shall be effected, shall have been received and paid to the Account of the said Incorporation, be carried to the Account of the Consolidated Duties of Excise, and be paid into the Receipt of the Exchequer under that Head; and the several Sums, amounting to the Sum of Twenty-three thousand five hundred Pounds, together with the Interest arising therefrom as soon as the Bonds given for Payment of the same are discharged, and such Interest as shall in the meantime be payable should be carried to Account, and paid in manner before mentioned; and that no Person not having been a Contributor before the Fifth Day of *January* One thousand eight hundred and thirty-five shall be admitted or deemed to have been admitted a Contributor, but that the present Contributors, having become Contributors before the said Fifth Day of *January* One thousand eight hundred and thirty-five, shall continue the Payment of their respective Rates, which shall in like Manner be paid over, under the Management of the Commissioners of Excise, to the Consolidated Duties of Excise; and that all Annuities to the Widows and Children of Contributors now payable, or which shall hereafter become payable, according to the Provisions of the said recited Act, shall be paid out of the Duties of Excise, and be placed to the Account of Incidents of that Department : May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority

So much of recited Act as directs the Appointment of Managers, and of a Clerk and Cashier, and the raising a Fund, repealed; and the Incorporation to cease.

Funds of the Incorporation vested in the Commissioners of Excise for the Purposes of this Act, and their Stock to be realized for the same Purpose.

Persons appointed to give Security and to have such Recompence as shall be directed by the Lords of the Treasury.

Authority of the same, That so much of the said recited Act as directs the Election and Appointment of Managers, and of a Cashier and Clerk of the said Incorporation, and as directs the raising of a Capital Stock, and the Application of any Surplus thereof, as shall be repugnant to this Act, or any of the Provisions thereof, shall be and the same is hereby repealed; and the said Incorporation shall from henceforth cease and determine, and no new or additional Members shall be admitted into the same, nor shall any Person be deemed a Member thereof or an existing Contributor within the Meaning of this Act who shall not have been admitted and become a Contributor before the Fifth Day of *January* One thousand eight hundred and thirty-five.

II. And be it further enacted, That on the passing of this Act all the Stocks, Funds, and Monies of the said Incorporation shall, for the Purposes of this Act, be vested in the Commissioners of Excise; and the said Shares in the Capital or Joint Stock of the Bank of *England* and of the Royal Bank of *Scotland* shall forthwith be sold and disposed of; and the said Sums so lent on heritable Securities shall, as soon as the same can be in conformity with the Conditions of the respective Securities on which the same were lent, be called in and recovered; and all Monies arising from such Sales, and the Amount of such Monies when called in and repaid, and all Interest thereon, together with all other Monies which shall in any Manner be vested in the said Incorporation, or be vested or remain in the Hands, Custody, or Possession of any Body Politic or Corporate, Company, or Person or Persons in Trust for or for the Use or Behoof of the said Incorporation, shall be paid over to the Commissioners of Excise; and for the Purpose of realizing and paying over such Monies it shall be lawful for the Commissioners of Excise, and they are hereby authorized and required, to nominate and appoint One or more fit Person or Persons to sell and dispose of the said Shares, and to obtain Payment of the Monies so lent, and to collect and call in all other Property or other Effects, heritable or moveable, belonging to the said Incorporation, and to pay over all Monies collected or produced by the Sale of such Shares, Property, and Effects as aforesaid to the Commissioners of Excise; and in case of any Person so appointed dying or becoming incapable of acting, or of his Appointment being recalled by the said Commissioners of Excise, the said Commissioners shall appoint some other Person in the Room and Place of the Person so dying or becoming incapable, or whose Appointment has been recalled as aforesaid; and every such Appointment as aforesaid to be made by the Commissioners of Excise shall be in the Form set out in the Schedule to this Act.

III. And be it further enacted, That every Person so to be appointed as aforesaid shall, if required, give Security in such Sum or Sums of Money as shall be directed by the Commissioners of Excise for duly recovering, paying over, and accounting for all the Property of the said Incorporation, and otherwise discharging the Duties of his Office, such Security to be taken in the Name of His Majesty; and it shall be lawful for the Commissioners of Excise to pay and allow to the Person or Persons so appointed such Remuneration and Recompence for his or their Labour and Trouble in the Matter as shall be authorized and directed by the Lords Commissioners of His Majesty's Treasury.

IV. And

IV. And be it further enacted, That the Person or Persons so to be appointed as aforesaid shall have full Power and Authority to sell and dispose of the said Shares, and to obtain Payment of the Monies so lent, and to collect and call in all other Property or other Effects, heritable or moveable, belonging to the said Incorporation; and the Receipt or Discharge of any Person or Persons so appointed as aforesaid shall be a full and valid Receipt and Discharge to all and every Person and Persons, Company, Body Politic and Corporate, paying or delivering over any Money or other Property or Effects in their Hands, Custody, or Possession, or due or owing by them, or paid over as the Purchase Money of any such Shares or other Property or Effects of the said Incorporation; and the Person or Persons so appointed shall have full Power and Authority to raise, insist in, and carry on, in his or their Name or Names, any Action, Suit, or Proceedings at Law, for making good the Purposes of such his or their Appointment, and collecting, calling in, and realizing the whole of the Property and Effects, heritable and moveable, of the said Incorporation; and no Action, Suit, or Proceeding raised, insisted in, or carrying on by any such Person shall abate, cease, or determine by the Death or Removal of any such Person, but the same shall continue and be insisted in and carried on by the Person who shall be nominated and appointed in the Room or Place of the Person so dying or removed.

Persons appointed to collect in the Property of the Incorporation to have full Power to do so, and to give valid Receipts, and to raise and carry on Actions.

V. And be it further enacted, That the Commissioners of Excise shall pay or cause to be paid all such Monies as shall be received by them on account of the said Incorporation into the Hands of the Receiver General of Excise, to be paid into the Bank of *England*, and into the Receipt of the Exchequer, on account of the Duties of Excise, in the same Manner as all other Monies coming into the Hands of the said Commissioners on account of the Duties of Excise are by Law required to be paid over.

Commissioners to pay over the Monies in the same Manner as Duties of Excise.

VI. And be it further enacted, That all Books, Accounts, Documents, and Papers belonging to or in the Hands, Custody, or Possession of the Managers or of the Cashiers or Clerk of the said Incorporation, and all Books, Accounts, Documents, or Papers relating to the Affairs of the said Incorporation in the Custody or Possession of any Company or other Person or Persons in Trust for or on the Behoof of the said Managers, Clerk, or Cashier, shall be delivered over to the Commissioners of Excise, or to such other Person or Persons as they shall appoint to receive and keep the same, and shall from thenceforth become Part of the public Documents of the Office of Excise.

Books, Accounts, and Papers to be delivered to the Commissioners of Excise.

VII. And be it further enacted, That all the Persons Contributors to the said Incorporation who shall have been admitted Contributors before the said Fifth Day of *January* One thousand eight hundred and thirty-five, whether Contributors under the said Royal Charter or Letters Patent being Non-acceders to the said recited Act, or Contributors Acceders under the said recited Act, shall continue to pay their several Rates and Contributions under the said recited Act, according to the Class in which they may be, and according as they may be Acceders or Non-acceders respectively; and shall also in case of Promotion or Marriage pay the increased or equalizing Rates as provided in the said recited Act.

Present Contributors to continue their Contributions.

VIII. And



Amount of Contributions to be deducted from the Salaries of Contributors.

VIII. And be it further enacted, That the Receiver General of Excise and the respective Collectors of each Collection throughout the United Kingdom shall deduct from the Salary of each Officer, being a Contributor, who may be stationed within the Limits of the Chief Office of Excise or within the Collection of any such Collector respectively, the Amount of the Rates or Contribution payable by such Contributors respectively, according to the Provisions of the said recited Act; and the said Receiver General and Collectors respectively shall enter all Monies received by him or them on account of such Rates or Contributions in his and their Accounts as Money received on account of Contributions to the *Scotch* Excise Incorporation, and all such Monies shall be remitted and paid into the Exchequer to the Account of the Duties of Excise, in the same Manner as other Monies received on account of the Duties of Excise are by Law directed to be remitted and paid.

Contributors desirous of withdrawing from further Contribution may do so on giving Notice.

IX. Provided always, and be it further enacted, That it shall be lawful for any Officer of Excise who may be a Contributor, not being married, or if a Widower not having any Child under the Age of Eighteen Years, and who may be desirous of ceasing to be a Contributor, to give Notice in Writing to the Commissioners of Excise of such his Desire to cease contributing, and thereupon the said Commissioners shall make an Order that the Name of such Officer shall be struck out of the List of Contributors; and from thenceforth such Officer shall cease to be a Contributor, and shall not be liable to have any further Deduction made from his Salary on account of any such Rates or Contribution, except any Arrear thereof or any additional or equalizing Rate or Rates on account of Promotion or Marriage shall be due and owing at the Time of giving such Notice, which in such Case it shall be lawful to deduct: Provided always, that every such Notice shall be given Six Weeks at least before the next Quarter Day or Sitings when such Contributor's Salary shall be becoming due, and if not so given the Deduction at the ensuing Quarter Day or Sitings shall be made.

Such Notice to be given Six Weeks before Salary becomes due.

Annuities now and hereafter to become due to be paid at the augmented Rates and for the lengthened Period.

X. And be it further enacted, That all Annuities which at the passing of this Act shall be payable to the Widows or Children of the deceased Contributors, and all such Annuities as shall hereafter become payable according to the Provisions of the said recited Act to the Widows or Children of the Persons who are continued Contributors by this Act, shall continue and be payable at the augmented Rate of Payment fixed by the Managers of the said Incorporation, and for the lengthened Period in the case of Children, which was appointed as herein-before recited, in disposing of the Surplus beyond the limited Amount of Capital Stock, and all such Annuities shall be a Charge on the Duties of Excise, and shall be placed to the Account of Incidents of that Department.

Annuities to be paid by the Receiver General or Collectors of Excise where the Widows and Children are resident.

XI. And be it further enacted, That it shall be lawful for the Receiver General of Excise, and for the Collector of the several Collections of Excise throughout the United Kingdom, and they are hereby authorized and required, out of any Monies in their Hands, to pay, under the Directions of the said recited Act and of the Commissioners of Excise at each Quarter Day, or at the Sitings after each Quarter Day, the Amount of all such Annuities as shall be due and payable to the Widows or Children of any deceased Contributors

butors that may be resident within the Limits of the Chief Office of Excise, or within the Collection of any such Collector respectively; and the said Receiver General and every such Collector shall charge all such Payments to the Account of Incidents of the Department.

XII. And be it further enacted, That it shall be lawful for the Commissioners of Excise to name and appoint such Person or Persons as they shall deem fit as the Tutors, Curators, or Guardians of such Children of Contributors as shall not have any Tutors, Curators, and Guardians, and also to execute and put in force all such Provisions not hereby repealed of the said recited Act as might have been executed and put in force by the Managers of the said Incorporation if this Act had not been passed, and also to make such further Rules, Orders, and Regulations as to them shall seem necessary, expedient, or required for carrying this Act and the Purposes thereof into effect.

Commissioners to appoint Tutors and Guardians to Children, and to carry the recited Act and this Act into effect.

XIII. And be it further enacted, That so much of the said recited Act as is not repealed or provided for by this Act shall remain in force, and shall be put in execution by the Commissioners of Excise, until the Death of the last of the said Contributors, and until after the last Payment of any Annuity to which any Person shall be entitled under the said Act and this Act, and shall then cease and determine.

So much of the recited Act as is not hereby repealed to remain in force.

XIV. And be it further enacted, That this Act may be repealed, altered, varied, or amended by any Act to be made in this present Session of Parliament.

Act may be altered this Session.

#### SCHEDULE to which this Act refers.

WE, being Three of the Commissioners of Excise, do hereby nominate and appoint \_\_\_\_\_ with full Power to collect and call in all Sums of Money and other Property, or other Effects, heritable and moveable, which belonged to the Excise Incorporation of Scotland, and to grant Receipts and Discharges for the same; and also to raise, insist in, and carry on any Action, Suit, or Proceeding for the Recovery of any Sums of Money, Debts heritable and moveable, and other Property belonging to the said Incorporation, and to sell and convert all such Property into Money, and pay over all such Monies to us, according to the Provisions of an Act of Parliament passed in the \_\_\_\_\_ Year of the Reign of His Majesty King William the Fourth, intituled "An Act" [*here insert the Title of this Act*].

Signed

#### CAP. LXXIII.

An Act to provide that Persons accused of Forgery in Scotland shall not be entitled to Bail, unless in certain Cases. [9th September 1835.]

WHEREAS by an Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act for abolishing the Punishment of Death in certain Cases of Forgery*, the Punishment of Death was commuted for that of Transportation for Life in all Cases of Forgery therein mentioned: And whereas since the passing of the said Act Persons accused of Forgery, in consequence

No Person committed for Trial for a Capital Offence entitled to insist on Liberation on Bail.

High Court or Circuit Court of Justiciary empowered to grant Privilege of Bail when consistent with the Ends of Justice.

‘ consequence of their Crime being no longer Capital, in general  
 ‘ apply for and are admitted to Bail, but very frequently abscond  
 ‘ and avoid standing their Trial, whereby the Ends of Justice are  
 ‘ defeated :’ Be it therefore enacted by the King’s most Excellent  
 Majesty, by and with the Advice and Consent of the Lords Spi-  
 ritual and Temporal, and Commons, in this present Parliament  
 assembled, and by the Authority of the same, That from and after  
 the passing of this Act no Person or Persons committed for Trial  
 in *Scotland* for any Forgery or other Offence which, prior to the  
 passing of the before-mentioned Act, was a Capital Offence, and the  
 Punishment of which is by the said Act limited to and declared to  
 be Transportation for Life, shall be entitled to insist on Liberation  
 on Bail, but without Prejudice to the Liberation of such Person or  
 Persons as heretofore on such Bail as the Public Prosecutor may  
 agree to.

II. Provided always, and be it enacted, That it shall be in the  
 Power of the High Court or Circuit Court of Justiciary in *Scotland*  
 respectively, on the Application of any Person or Persons accused  
 of any Crime which by the before-mentioned Act is declared to be  
 no longer punishable with Death, to admit him or them to the Pri-  
 vilege of Bail, provided it shall appear to the Court to which such  
 Application is made to be consistent with the Ends of Justice to do  
 so ; but the Bail so to be taken shall be of such Amount, greater  
 or less than the Maximum fixed by the Statutes applicable to *Scot-*  
*land* now in force for Crimes that are bailable, as the said Court  
 shall, under the whole Circumstances of the Case, think necessary  
 for insuring the Appearance for Trial of the Person or Persons  
 accused ; any Law or Practice to the contrary notwithstanding.

## CAP. LXXIV.

An Act for the more easy Recovery of Tithes.

[9th September 1835.]

7 & 8 W. 3. c. 6.

53 G. 3. c. 127.

‘ WHEREAS an Act was passed in the Seventh and Eighth  
 ‘ Years of the Reign of King *William* the Third, intituled *An*  
 ‘ Act for the more easy Recovery of Small Tithes, whereby it was  
 ‘ amongst other Things enacted, that Two or more of His Majesty’s  
 ‘ Justices of the Peace were authorized and required to hear and  
 ‘ determine Complaints touching Small Tithes, Oblations, and Com-  
 ‘ positions substracted or withheld, not exceeding Forty Shillings :  
 ‘ And whereas an Act was passed in the Fifty-third Year of the  
 ‘ Reign of His late Majesty King *George* the Third, intituled *An*  
 ‘ Act for the better Regulation of Ecclesiastical Courts in England,  
 ‘ and for the more easy Recovery of Church Rates and Tithes, whereby  
 ‘ the Jurisdiction of the said Justices was extended to all Tithes,  
 ‘ Oblations, and Compositions substracted or withheld, where the  
 ‘ same should not exceed Ten Pounds in Amount from any One  
 ‘ Person : And whereas by an Act of the Seventh and Eighth Years  
 ‘ of the Reign of King *William* the Third, Chapter Thirty-four,  
 ‘ Provision is made for the Recovery of Great and Small Tithes  
 ‘ (not exceeding the Amount of Ten Pounds) due from Quakers,  
 ‘ by Distress and Sale, under the Warrant of Two Justices : And  
 ‘ whereas by an Act of the First Year of the Reign of King *George*  
 ‘ the First, Chapter Six, the Provisions of the said last-mentioned

Act were extended, in the Case of Quakers, to all Tithes or Rates, and Customary Rights, Dues, and Payments belonging to any Church or Chapel: And whereas by the said recited Act of the Fifty-third Year of the Reign of King *George* the Third the afore-said Provisions in relation to Quakers were amended, and were also made applicable to any Amount not exceeding Fifty Pounds: And whereas by an Act of the Parliament of *Ireland* of the Seventh Year of the Reign of King *George* the Third, Chapter Twenty-one, amended and extended by an Act of the Parliament of the United Kingdom of the Fifty-fourth Year of the Reign of King *George* the Third, Chapter Sixty-eight, similar Provisions are in force in *Ireland* for the Recovery, from Quakers, of Great and Small Tithes, and Customary and other Rights, Dues, and Payments belonging to any Church or Chapel, not exceeding the Amount of Fifty Pounds: And whereas it is highly expedient, and would further tend to prevent Litigation, if, in the Cases and with the Exceptions herein-after mentioned, all Claimants were restricted to the respective Remedies provided by the said recited Acts: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Suit or other Proceeding shall be had or instituted in any of His Majesty's Courts in *England* now having cognizance of such Matter for or in respect of any Tithes, Oblations, or Compositions withheld, of or under the yearly Value of Ten Pounds (save and except in the Cases provided for in the Two first-recited Acts), but that all Complaints touching the same shall, except in the Case of Quakers, be heard and determined only under the Powers and Provisions contained in the said Two first-recited Acts of Parliament in such and the same Manner as if the same were herein set forth and re-enacted; and that no Suit or other Proceeding shall be had or instituted in any of His Majesty's Courts either in *England* or *Ireland* now having cognizance of such Matter, for or in respect of any Great or Small Tithes, Moduses, Compositions, Rates, or other Ecclesiastical Dues or Demands whatsoever, of or under the Value of Fifty Pounds, withheld by any Quaker either in *England* or *Ireland*; but that all Complaints touching the same, if in *England*, shall be heard and determined only under the Powers and Provisions contained in the said recited Acts of the Seventh and Eighth Years of King *William* the Third, Chapter Thirty-four, and the Fifty-third Year of King *George* the Third, and if in *Ireland*, under the said recited Act of the Parliament of *Ireland* of the Seventh Year of King *George* the Third, and the said recited Act of the Fifty-fourth Year of King *George* the Third, in the same Manner as if the same were herein set forth and re-enacted: Provided

Proceedings for the Recovery of Tithes under 10*l.* (except in the Case of Quakers) shall be had only under the Powers of the Two first-recited Acts.

Proviso.

Manner of recovering Tithes due from Quakers.

II. And be it enacted, That in case any Suit or other Proceeding has been prosecuted or commenced, or shall hereafter be prosecuted or commenced, in any of His Majesty Courts in *England* or *Ireland*, for recovering any Great or Small Tithes, Modus or Composition for Tithes, Rate or other Ecclesiastical Demand, subtracted, unpaid, or withheld by or due from any Quaker, no Execution or Decree or Order shall issue or be made against the Person or Persons of the Defendant or Defendants, but the Plaintiff or Plaintiffs shall and may have his Execution or Decree against the Goods or other Property of the Defendant or Defendants; and in case any Person now is detained in Custody in *England* or *Ireland* under any Execution or Decree in such Suit or Proceeding, the Sheriff or other Officer having such Person in his Custody shall forthwith discharge him therefrom; and the Plaintiff or Plaintiffs in such Suit or Proceeding shall and may, notwithstanding such Discharge, issue any other Execution or take any other Proceeding for recovering his Demand and his Costs out of the Property, Real or Personal, of the Person so discharged.

CAP. LXXV.

An Act for the Amendment of the Law as to the tithing of Turnips in certain Cases. [9th September 1835.]

‘ WHEREAS it is frequently convenient and necessary, in the Agistment of Turnips by Sheep or Cattle, to sever the Turnips from the Ground, in order that they may be the more easily and completely consumed, and thereby to prevent Waste, and it is not reasonable that such Severance should vary or affect the Payment of Tithe:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, in all Cases where Turnips shall be severed in the Manner and for the Purpose aforesaid, and shall be eaten on the Ground by Sheep or Cattle, and not otherwise removed, the same shall be subject to the Payment of Tithe in the same Manner and to the same Extent as if they had been eaten by such Sheep or Cattle without having been so severed as aforesaid, and no farther or otherwise.

Turnips severed from the Land, if consumed on the same, subject to Tithe as if not so severed.

CAP. LXXVI.

An Act to provide for the Regulation of Municipal Corporations in *England* and *Wales*.

See 34 V. C. 28

[9th September 1835.]

‘ WHEREAS divers Bodies Corporate at sundry Times have been constituted within the Cities, Towns, and Boroughs of *England* and *Wales*, to the Intent that the same might for ever be and remain well and quietly governed; and it is expedient that the Charters by which the said Bodies Corporate are constituted should be altered in the Manner herein-after mentioned;’ be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and

by the Authority of the same, That so much of all Laws, Statutes, and Usages, and so much of all Royal and other Charters, Grants, and Letters Patent now in force relating to the several Boroughs named in the Schedules (A.) and (B.) to this Act annexed, or to the Inhabitants thereof, or to the several Bodies or reputed Bodies Corporate named in the said Schedules, or any of them, as are inconsistent with or contrary to the Provisions of this Act, shall be and the same are hereby repealed and annulled.

Repeal of all Acts, Charters, and Customs inconsistent with this Act.

II. ' And whereas in divers Cities, Towns, and Boroughs the ' Common Lands and Public Stock of such Cities, Towns, and ' Boroughs, and the Rents and Profits thereof, have been held and ' applied for the particular Benefit of the Citizens, Freemen, and ' Burgesses of the said Cities, Towns, and Boroughs respectively, ' or of certain of them, or of the Widows or Kindred of them, or ' certain of them, and have not been applied to public Purposes ;' be it therefore enacted, That every Person who now is or hereafter may be an Inhabitant of any Borough, and also every Person who has been admitted or who might hereafter have been admitted a Freeman or Burgess of any Borough if this Act had not been passed, or who now is or hereafter may be the Wife or Widow or Son or Daughter of any Freeman or Burgess, or who may have espoused or may hereafter espouse the Daughter or Widow of any Freeman or Burgess, or who has been or may hereafter be bound an Apprentice, shall have and enjoy and be entitled to acquire and enjoy the same Share and Benefit of the Lands, Tenements, and Hereditaments, and of the Rents and Profits thereof, and of the Common Lands and Public Stock of any Borough or Body Corporate, and of any Lands, Tenements, and Hereditaments, and any Sum or Sums of Money, Chattels, Securities for Money, or other Personal Estate, of which any Person or any Body Corporate may be seised or possessed in whole or in part for any charitable Uses or Trusts, as fully and effectually, and for such Time and in such Manner as he or she by any Statute, Charter, Bye Law, or Custom in force at the Time of passing this Act might or could have had, acquired, or enjoyed in case this Act had not been passed : Provided always, that the total Amount to be divided amongst the Persons whose Rights are herein reserved in this Behalf shall not exceed the Surplus which shall remain after Payment of the Interest of all lawful Debts chargeable upon the Real or Personal Estate out of which the Sums so to be divided have arisen, together with the Salaries of Municipal Officers, and all other lawful Expences which, on the Fifth Day of *June*, were defrayed out of or chargeable upon the same : Provided also, that nothing herein-before contained shall be construed to apply to any Claim, Right, or Title of any Burgesses or Freemen, or of any Person, to any Discharge or Exemption from any Tolls or Dues levied wholly or in part by or to the Use or Benefit of any Borough or Body Corporate ; and that after the passing of this Act no Person shall have or be entitled to claim thenceforward any Discharge or Exemption from any Tolls or Dues lawfully levied in whole or in part by or to the Use of any Body Corporate, except as herein-after is excepted : Provided nevertheless, that every Person who, on the Fifth Day of *June* in this present Year, was an Inhabitant, or was or was entitled to be admitted a Freeman or Burgess of any Borough, or who on the

Reservation of all Rights of Property and beneficial Exemptions to Freemen, their Wives and Children.

said Fifth Day of *June* was the Wife or Widow, Son or Daughter of any Freeman or Burgess of any Borough, or who on the said Fifth Day of *June* was bound an Apprentice, shall be entitled to have or acquire and enjoy the same Discharge or Exemption from any Tolls or Dues lawfully levied in whole or in part by or to the Use of any Borough or Body Corporate as fully and for such Time and in such Sort as he or she, by any Statute, Charter, Bye Law, or Custom in force on the said Fifth Day of *June*, might or would have had, acquired, and enjoyed the same if this Act had not been passed, and no further or otherwise: Provided also, that where, by any Statute, Charter, Bye Law, or Custom in force within any Borough at the Time of passing this Act, any Person whose Rights in this Behalf are herein reserved would have been liable in case this Act had not been passed to pay any Fine, Fee, or Sum of Money to any Body Corporate, or to any Member, Officer, or Servant of any Body Corporate, in consideration of his Freedom, or of his or her Title to such Rights as are herein reserved, no such Person shall be entitled to have or claim any Share or Benefit in respect of the Rights herein reserved as aforesaid until he or she shall have paid the full Amount of such Fine, Fee, or Sum of Money to the Treasurer of such Borough, appointed under the Provisions of this Act, on account of the Borough Fund herein-after mentioned: Provided also, that nothing in this Act contained shall be construed to entitle any Person to any Share or Benefit of the Rights herein reserved who shall not have first fulfilled every Condition which, if this Act had not passed, would have been a Condition precedent to his or her being entitled to the Benefit of such Rights, so far as the same is capable of being fulfilled according to the Provisions of this Act, or to strengthen, confirm, or affect any Claim, Right, or Title of any Burgesses or Freemen of any Borough or Body Corporate, or of any Person, to the Benefit of any such Rights as are herein-before reserved, but the same in every Case may be brought in question, impeached, and set aside in like Manner as if this Act had not been passed.

No Freedom to be acquired by Gift or Purchase.

III. Provided always, and be it enacted, That from and after the passing of this Act no Person shall be elected, made, or admitted a Burgess or Freeman of any Borough by Gift or Purchase.

2 W. 4. c. 45.

IV. ' And whereas the Right of voting in the Election of Members to serve in Parliament was by an Act passed in the Second Year of the Reign of His present Majesty, intituled *An Act to amend the Representation of the People of England and Wales*, preserved to all Persons who then were or thereafter might become Freemen or Burgesses of any City or Borough, subject to the Conditions and Provisions in that Act contained; ' be it therefore enacted, That every Person who if this Act had not been passed would have enjoyed, as a Burgess or Freeman, or might hereafter have acquired, in respect of Birth or Servitude, as a Burgess or Freeman, the Right of voting in the Election of a Member or Members to serve in Parliament for any City or Borough, shall be entitled to enjoy or acquire such Right of voting as fully as if this Act had not been passed; and the Town Clerk of every City or Borough returning a Member or Members to Parliament shall at all Times hereafter do and perform all Things appertaining to the due Registration of the Freemen or Burgesses of such

Reservation of the Parliamentary Franchise to Freemen.

such City or Borough according to the Provisions of the said Act.

V. And be it enacted, That the Town Clerk of every Borough shall on or before the First Day of *December* next make out a List, to be called "The Freemen's Roll," of all Persons who at the Time of the passing of this Act shall have been admitted as Burgesses or Freemen of such Borough; and that whenever any Person shall hereafter become entitled to be admitted a Burgess or Freeman for the Purposes aforesaid of such Borough in respect of Birth, Servitude, or Marriage, and shall claim to be admitted accordingly, the Mayor of such Borough shall examine into such Claim, and upon such Claim being established every such Person shall thereupon be admitted and enrolled by the Town Clerk of such Borough upon the Freemen's Roll; and the Town Clerk shall keep a true Copy of such Roll, to be perused by any Person without Payment of any Fee at all reasonable Times, and shall deliver a Copy thereof to any Person requiring the same, on Payment of a reasonable Price for such Copy.

Freemen's Roll to be made out and kept by the Town Clerk.

VI. And be it enacted, That after the First Election of Councillors under this Act in any Borough the Body or reputed Body Corporate named in the said Schedules in connexion with such Borough shall take and bear the Name of the Mayor, Aldermen, and Burgesses of such Borough, and by that Name shall have perpetual Succession, and shall be capable in Law, by the Council herein-after mentioned of such Borough, to do and suffer all Acts which now lawfully they and their Successors respectively may do and suffer by any Name or Title of Incorporation; and the Mayor of each of the said Boroughs shall be capable in Law to do and suffer all Acts which the Chief Officer of such Borough may now lawfully do and suffer, so far as the same respectively are not altered or annulled by the Provisions of this Act.

Corporations to be styled Mayor, Aldermen, and Burgesses.

VII. And be it enacted, That after the passing of this Act the Metes and Bounds of the several Boroughs named in the First Section of the said Schedules (A.) and (B.) for the Purposes of this Act shall be the same as the Limits thereof respectively settled and described in an Act passed in the Second and Third Year of the Reign of His present Majesty, intituled *An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in England and Wales, so far as respects the Election of Members to serve in Parliament*; and the Metes and Bounds of the several Boroughs named in the Second Section of the said Schedules for the Purposes of this Act shall be and remain as the same are now taken to be until such Time as Parliament shall otherwise direct: Provided nevertheless, that notwithstanding any thing herein contained no Parish or Place, or Part of any Parish or Place, which is detached from the main Part of such Borough or County of a City or Town Corporate, shall after the passing of this Act be included within any such Borough or County; and, subject to this Provision, the Metes and Bounds of every such Borough and County shall include the whole of the Liberties of such Borough or County by Land and by Water as the same now are or are taken to be.

Boundaries of certain Boroughs to be those settled by 2 & 3 W. 4. c. 64.

Boundaries of other Boroughs to remain until altered by Parliament.

VIII. And be it enacted, That every Place and Precinct which shall be included within the Metes and Bounds of any Borough as

Every Place included within the Bounds of a Borough to be



Part of such Borough.

Parts cut off from the Borough to be declared Part of adjoining County.

herein-before provided, and none other, shall be Part of such Borough, and in those Boroughs which are Counties of themselves shall be Part of such County and of none other; and in every Case in which the Metes and Bounds of any Borough or County under the Provisions of this Act shall not include any Place or Precinct which before the passing of this Act was Part of such Borough or County, such Place or Precinct shall thenceforward be taken to be Part of the County wherein such Place or Precinct is situated, or with which it has the longest common Boundary: Provided nevertheless, that if any such Place or Precinct shall have been liable before the passing of this Act to contribute to any Rate made for the Purpose of satisfying any lawful Debt to which the Rate-payers of such Borough or County were liable to contribute before the passing of this Act, and in case any Difference shall arise concerning the Proportion of such Debt as ought therefore to be paid and contributed in respect of such Place or Precinct, it shall be lawful for the senior Justice of Assize for the County of which such Place or Precinct shall thenceforward be taken to be Part, on his Circuit, on the Application of the Council of such Borough, or of the Chairman of a public Meeting of the Rate-payers of such Place or Precinct, to appoint, by Writing under his Hand, a Barrister not having any Interest in the Question to arbitrate between the Parties, and by his Award under his Hand and Seal to assess the Proportion, if any, of such Debt as ought therefore to be paid and contributed in respect of such Place or Precinct; and such Arbitrator shall also assess the Costs of the Arbitration, and shall direct by whom, and in what Proportion, and out of what Fund, the same shall be paid; and such Rate as aforesaid shall continue to be levied by Warrant of the Council of such Borough, and paid by such Place or Precinct, as if this Act had not passed, until such Proportion shall have been fully paid and satisfied to the Treasurer of the Borough, and no longer: Provided nevertheless, that every County Gaol, House of Correction, or Lunatic Asylum, Court of Justice, or Judge's Lodging, which at the Time of the passing of this Act is taken to be for any Purpose within any County, shall still, for all such Purposes, be taken to be within such County, any thing herein contained to the contrary notwithstanding.

Occupiers of Houses and Shops rated for 3 Years to the Relief of the Poor, entitled to be Burgesses, if resident Householders within Seven Miles.

IX. And be it enacted, That every Male Person of full Age who on the last Day of *August* in any Year shall have occupied any House, Warehouse, Counting-house or Shop within any Borough during that Year and the whole of each of the Two preceding Years, and also during the Time of such Occupation shall have been an Inhabitant Householder within the said Borough, or within Seven Miles of the said Borough, shall, if duly enrolled in that Year according to the Provisions herein-after contained, be a Burgess of such Borough and Member of the Body Corporate of the Mayor, Aldermen, and Burgesses of such Borough: Provided always, that no such Person shall be so enrolled in any Year, unless he shall have been rated in respect of such Premises so occupied by him within the Borough to all Rates made for the Relief of the Poor of the Parish wherein such Premises are situated during the Time of his Occupation as aforesaid, and unless he shall have paid on or before the last Day of *August* as aforesaid all such Rates, including therein all Borough Rates, if any, directed to be paid

under the Provisions of this Act, as shall have become payable by him in respect of the said Premises, except such as shall become payable within Six Calendar Months next before the said last Day of *August*: Provided also, that the Premises in respect of the Occupation of which any Person shall have been so rated need not be the same Premises or in the same Parish, but may be different Premises in the same Parish, or in different Parishes: Provided also, that no Person being an Alien shall be so enrolled in any Year, and that no Person shall be so enrolled in any Year who within Twelve Calendar Months next before the said last Day of *August* shall have received Parochial Relief or other Alms, or any Pension or charitable Allowance from any Fund intrusted to the charitable Trustees of such Borough herein-after mentioned: Provided that in every Case provided in this Act the Distance of Seven Miles shall be computed by the nearest public Road or Way by Land or Water.

Aliens and Persons who have received Parochial Relief not to be enrolled.

X. And be it enacted, That no Medical or Surgical Assistance given by the charitable Trustees of any Borough shall be taken to be such charitable Allowance as shall disqualify any Person from being enrolled a Burgess as aforesaid; nor shall any Person be so disqualified by reason that any Child of such Person shall have been admitted and taught within any public or endowed School.

Medical Assistance or Instruction in endowed Schools not to be a Cause of Disqualification.

XI. And be it enacted, That in every Borough it shall be lawful for any Person occupying any House, Warehouse, Counting-house, or Shop to claim to be rated to the Relief of the Poor in respect of such Premises, whether the Landlord shall or shall not be liable to be rated to the Relief of the Poor in respect thereof; and upon such Occupier so claiming, and actually paying or tendering the full Amount of the last made Rate then payable in respect of such Premises, the Overseers of the Parish in which such Premises are situate are hereby required to put the Name of such Occupier upon the Rate for the Time being; and in case such Overseer shall neglect or refuse so to do such Occupier shall nevertheless, for the Purposes of this Act, be deemed to have been rated to the Relief of the Poor in respect of such Premises from the Period at which the Rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: Provided always, that where by virtue of any Act of Parliament the Landlord shall be liable to the Payment of the Rate for the Relief of the Poor in respect of any Premises occupied by his Tenant, nothing herein contained shall be deemed to vary or discharge the Liability of such Landlord, but in case the Tenant who shall have been rated for such Premises in consequence of any such Claim as aforesaid shall make Default in the Payment of the Poor's Rate payable in respect thereof such Landlord shall be and remain liable for the Payment thereof in the same Manner as if he alone had been rated in respect of the Premises so occupied by his Tenant.

Occupiers may claim to be rated.

XII. And be it enacted, That where any House, Warehouse, Counting-house, or Shop in any Borough shall come to any Person by Descent, Marriage, Marriage Settlement, Devise, or Promotion to any Benefice or Office, such Person shall be entitled to reckon the Occupancy and Rating, in respect of the Occupancy thereof by the Person from or by whom such House, Warehouse, Counting-house, or Shop shall have so come to him, as his own Occupancy

In case of Titles by Descent, &c. how the Occupancy is to be reckoned.

and Rating conjointly with the Time during which he shall have since occupied and been rated for the same, and shall be entitled to be enrolled a Burgess in respect of such successive Occupancy and Rating, provided he shall be otherwise qualified as herein provided.

No new Burgesses to be admitted who are not qualified under this Act.

XIII. And be it enacted, That after the passing of this Act no Person shall be enrolled a Burgess of any Borough, for the Purpose of enjoying the Rights conferred for the first Time by this Act, in respect of any Title other than by Occupancy and Payment of Rates within such Borough, according to the Meaning and Provisions of this Act.

Exclusive Rights of Trading abolished.

XIV. ' And whereas in divers Cities, Towns, and Boroughs a certain Custom hath prevailed, and certain Bye Laws have been made, that no Person, not being free of a City, Town, or Borough, or of certain Guilds, Mysteries, or Trading Companies within the same, or some or one of them, shall keep any Shop or Place for putting to Show or Sale any or certain Wares or Merchandize by way of Retail or otherwise, or use any or certain Trades, Occupations, Mysteries, or Handicrafts for Hire, Gain, or Sale within the same;' be it enacted, That, notwithstanding any such Custom or Bye Law, every Person in any Borough may keep any Shop for the Sale of all lawful Wares and Merchandizes by Wholesale or Retail, and use every lawful Trade, Occupation, Mystery, and Handicraft, for Hire, Gain, Sale, or otherwise, within any Borough.

Overseers to make Lists of all Persons entitled to be Burgesses in their respective Parishes.

XV. And be it enacted, That on the Fifth Day of *September* in every Year the Overseers of the Poor of every Parish wholly or in part within any Borough shall make out an Alphabetical List, to be called "The Burgess List," according to the Form Number 1. in the Schedule (D.) to this Act annexed, of all Persons who shall be entitled to be enrolled in the Burgess Roll of that Year, according to the Provisions of this Act, in respect of Property within such Parish; and the Overseers shall sign such Burgess Lists, and shall deliver the same to the Town Clerk of the Borough on the said Fifth Day of *September* in every Year, and shall keep a true Copy of such Lists, to be perused by any Person, without Payment of any Fee, at all reasonable Hours between the Fifth and Fifteenth Days of *September* in every Year; and the Town Clerk shall forthwith cause Copies to be printed of all Overseers Lists delivered to him, and shall deliver a Copy of all such Lists to any Person requiring the same, on Payment of a reasonable Price for each Copy, and shall cause a Copy of all such Lists to be fixed on or near the outer Door of the Town Hall, or in some public and conspicuous Situation within the Borough, on every Day during the Week next preceding the Fifteenth Day of *September* in every Year.

As to Boroughs in which there is no Town Clerk.

XVI. Provided always, and be it enacted, That in any Borough in which there shall be no Town Clerk, or in which the Town Clerk shall be dead or incapable of acting, all Matters by this Act required to be done by and with regard to the Town Clerk shall be done by and with regard to the Person executing Duties in such Borough similar to those of Town Clerk, and if there be no such Person, or if such Person shall be dead or incapable of acting, then by and with regard to such fit Person as the Mayor of such Borough shall appoint in that Behalf: Provided always, that every Precinct or Place, whether Extra-parochial or otherwise, which shall have

As to Precincts, &c. where there are no Overseers.

no Overseers, shall, for the Purpose of making out such Lists as aforesaid, be deemed within the Parish adjoining thereto, such Parish being wholly or in part situate within the same Borough as such Precinct or Place, and if such Precinct or Place shall adjoin Two or more Parishes so situate as aforesaid it shall be deemed to be within the least populous of such Parishes according to the last Census for the Time being; and the Overseers of the Poor of every such Parish shall insert in the List for their Parish the Names of all Persons who would have been entitled to be inserted in the Lists for such Precinct or Place if such Precinct or Place had had Overseers or been rated to the Maintenance of the Poor.

XVII. And be it enacted, That every Person whose Name shall have been omitted in any such Burgess List and who shall claim to have his Name inserted therein, shall, on or before the Fifteenth Day of *September* in every Year, give Notice thereof to the Town Clerk in Writing, according to the Form Number 2. in the said Schedule (D.) or to the like Effect; and every Person whose Name shall have been inserted in any Burgess List for any Borough may object to any other Person as not being entitled to have his Name retained in the Burgess List for the same Borough, and every Person so objecting shall, on or before the Fifteenth Day of *September* in every Year, give to the Town Clerk of such Borough, and also give to the Person objected to, or leave at the Premises for which he shall appear to be rated in the Burgess List, Notice thereof in Writing according to the Form Number 3. in the said Schedule (D.) or to the like Effect; and every Town Clerk shall include the Names of all Persons so claiming to be inserted on the Burgess List in a List according to the Form Number 8. in the said Schedule (D.), and shall include the Names of all Persons so objected to as not entitled to be retained on the Burgess List in a List according to the Form Number 5. in the said Schedule (D.), and shall cause Copies of such several Lists to be fixed on or near the outer Door of the Town Hall or in some public and conspicuous Situation within such Borough during the Eight Days next preceding the First Day of *October* in every Year; and the Town Clerk shall likewise keep a Copy of the Names of all Persons so claiming as aforesaid, and also a Copy of the Names of all Persons so objected to as aforesaid, to be perused by any Person, without Payment of any Fee, at all reasonable Hours during the Eight Days, *Sunday* excepted, next preceding the First Day of *October* in every Year, and shall deliver a Copy of each of such Lists to any Person requiring the same, on Payment of a Sum not exceeding One Shilling for each Copy.

Persons omitted from the Overseers Lists to give Notice to the Town Clerk.

Notices as to Persons not entitled to be retained in the Lists.

Lists of Claimants, and of Persons objected to, to be published, &c.

XVIII. And be it enacted, That the Mayor and the Two Assessors herein-after mentioned, to be chosen in every Year by the Burgesses of every Borough, shall hold an open Court within such Borough, for the Purpose of revising the said Burgess Lists at some Time between the First Day of *October* inclusive and the Fifteenth Day of *October* inclusive in the Year One thousand eight hundred and thirty-six, and every succeeding Year, having first given Three clear Days Notice of the holding of such Court, to be fixed on or near the outer Door of the Town Hall or in some public and conspicuous Situation within the Borough; and the Town-Clerk of every such Borough shall, at the opening of the Court, produce the

Mayor and Assessors to revise Lists, and, upon due Proof, to insert and expunge Names.

said Lists, and a Copy of the Lists of the Persons claiming and of the Persons objected to, so made out as aforesaid; and the Overseers, Vestry Clerks, and Collectors of Poor's Rates of every Parish wholly or in part within every such Borough shall attend the Court, and shall answer upon Oath all such Questions as the Court may put to them or any of them touching any Matter necessary for revising the Burgess Lists; and the Mayor shall insert in such Lists the Name of every Person who shall be proved, to the Satisfaction of the Court, to be entitled to be inserted therein, according to the Provisions of this Act, and shall retain on the said List the Names of all Persons to whom no Objection shall have been duly made, and shall also retain on the said Lists the Name of every Person who shall have been objected to by any Person, unless the Party so objecting shall appear by himself or by some one on his Behalf in support of such Objection; and where the Name of any Person inserted in any One of the said Lists shall have been duly objected to, and the Person objecting shall appear by himself or by some one on his Behalf in support of such Objection, the Court shall require Proof of the Qualification of the Person so objected to; and in case the Qualification of such Person shall not be proved to the Satisfaction of the Court the Mayor shall expunge the Name of every such Person from the said Lists, and he shall also expunge from the said Lists the Name of every Person who shall be proved to the Court to be dead, and shall correct any Mistake or supply any Omission which shall be proved to the Court to have been made in any of the said Lists in respect of the Name or Place of Abode of any Person who shall be included in any such List, or in respect of the local Description of his Property: Provided always, that no Person's Name shall be inserted by the Mayor in any such List, or shall be expunged therefrom, except in the Case of Death, unless Notice shall have been given as is herein-before required in each of the said Cases.

Power to Mayor, &c. of adjourning, of administering Oaths, &c.

XIX. And be it enacted, That every Mayor holding any Court under this Act for the Revision of the said Lists shall have Power to adjourn the same from Time to Time, so that no such adjourned Court shall be held after the Fifteenth Day of *October* in any Year, and shall have Power to require any Overseer, or Person having the Custody of any Book containing any Rate made for the Relief of the Poor during that or any preceding Year, in any Parish wholly or in part within the Borough, to produce the same and allow the same to be inspected at any Court to be held for Revision of the Burgess Lists, and shall have Power to administer an Oath to the Town Clerk and to the Overseers, and to all Persons claiming to be inserted in or making Objection to the Omission or Insertion of any Name in any of the said Lists, and to all Persons objected to in any of such Lists, and to all Persons claiming to have any Mistake in any of such Lists corrected, and to all Witnesses who may be tendered or examined on either Side; and the Mayor and Assessors shall, upon the Hearing in open Court, determine upon the Validity of such Claims and Objections, and the Mayor shall, in open Court, write his Initials against the Names respectively struck out or inserted, and against any Part of the said Lists in which any Mistakes shall have been corrected, and shall sign his Name to every Page of the several Lists so settled.

Mayor shall sign the Lists in open Court.

XX. And

XX. And be it enacted, That the senior Judge, or in case of his Absence from the Kingdom the next Judge, in the Commission of Assize for the Summer Circuit in this Year for every County, shall, before the last Day of *September* in this Year, appoint so many Barristers as the said Judge shall deem necessary to revise the Lists of Burgesses of every Borough in or adjoining to such County; and the Town and County of the Town of *Kingston-upon-Hull* shall for this Purpose be considered as next adjoining to the County of *York*, and the Town of *Berwick-upon-Tweed* and Town and County of the Town of *Newcastle-upon-Tyne* as next adjoining to the County of *Northumberland*, and the City and County of the City of *Bristol* as next adjoining to the County of *Somerset*; and the said Judge shall have Power to appoint One or more Barristers to revise the Lists for the same Borough, and the same Barrister to revise the Lists of more than One Borough; and the Barrister so appointed to any Borough shall for that Purpose, during this Year, be in the Place and Stead of the Mayor and Assessors of such Borough, and shall revise the Lists of Burgesses in this Year in the Manner herein-before enacted concerning the Mayor and Assessors in every succeeding Year; and if it shall be made to appear to the said Judge that for any Cause such Lists cannot be revised within the Period directed by this Act, it shall be lawful for such Judge and he is hereby required to appoint One or more Barristers to act in the Place of or in addition to those originally appointed; and every such Barrister so subsequently appointed shall have the same Power as if originally appointed; and every Barrister appointed to revise any Lists under this Act shall be paid at the Rate of Five Guineas for every Day that he shall be so employed, over and above his travelling and other Expences; and every such Barrister, after the Termination of his last Sitting, shall lay or cause to be laid before the Lords Commissioners of His Majesty's Treasury for the Time being a Statement of the Number of Days during which he shall have been so employed in each Borough, and an Account of the travelling and other Expences incurred by him in respect of such Employment; and the said Lords Commissioners shall make an Order for the Amount to be paid to such Barrister out of the Consolidated Fund: Provided nevertheless, that as soon as a Council shall be chosen in any Borough under the Provisions of this Act the said Lords Commissioners shall make an Order on the Council of such Borough for the Amount of daily Salary herein-before enacted to be paid to such Barrister during the Time that he shall have been employed in revising the Lists of such Borough; and the Council of such Borough shall forthwith cause the same to be repaid to the said Lords Commissioners out of the Borough Fund of such Borough; and the same, if not paid, shall be deemed to be a Debt due to His Majesty, and recoverable as such.

Barristers to be appointed to revise Lists in the first Year.

XXI. And be it enacted, That every Person authorized by Law to make an Affirmation instead of taking an Oath shall make such Affirmation in every Case in which by this Act an Oath is required to be taken; and if any Person taking any Oath required by this Act, or making any Affirmation instead of taking such Oath, shall wilfully swear or affirm falsely, such Person shall be deemed guilty of Perjury, and shall be punished accordingly.

Affirmation may be substituted for Oath.

XXII. And

Revised Borough Lists to be kept by the Town Clerk, and copied into Books, with the Names numbered.

Such Book to be the Roll of Burgesses entitled to vote.

No Stamp Duty on Enrolment.

Copies of the Burgess Roll to be printed for Sale.

Expences of Overseers how to be defrayed.

Mayor, Aldermen, and Councillors to be chosen in every Borough, who together shall constitute the Council of the Borough.

XXII. And be it enacted, That the Burgess Lists so revised and signed as last aforesaid, shall be delivered by the Mayor to the Town Clerk of such Borough, who shall keep the same, and shall cause the said Burgess Lists to be fairly and truly copied into one general Alphabetical List in a Book to be by him provided for that Purpose, with every Name therein numbered, beginning the Numbers from the first Name, and continuing them in a regular Series to the last Name, and shall cause such Books to be completed on or before the Twenty-second Day of *October* in every Year, and shall deliver such Books, together with the Lists, at the Expiration of his Office, to the Person succeeding him in such Office; and every such Book in which the said Burgess Lists shall have been copied shall be the Burgess Roll of the Burgesses of such Borough entitled to vote, after the passing of this Act, in the Choice of the Councillors, Assessors, and Auditors of such Borough, as herein-after mentioned, at any Election which may take place in such Borough between the First Day of *November* inclusive in the Year wherein such Burgess Roll shall have been made and the First Day of *November* in the succeeding Year; provided that no Stamp Duty shall be payable in respect of the Admission, Registry, or Enrolment of any Burgess, according to the Provisions of this Act.

XXIII. And be it enacted, That the Town Clerk of every Borough shall cause to be written or printed Copies of the Burgess Roll in every Year, and shall deliver such Copies to all Persons applying for the same, on Payment of a reasonable Price for each Copy; and the Monies arising from the Sale thereof, and of the Overseers Lists, and of the Lists of Claims and Objections as aforesaid, shall be paid over to the Treasurer of such Borough, and shall be applied by him in aid of the Borough Fund herein-after mentioned.

XXIV. And be it enacted, That the said Council of every Borough shall take an Account of the reasonable Expences incurred by the Overseers of the Poor in carrying into effect the several Provisions of this Act so far as relates to the said Lists, and shall order the Treasurer of the said Borough to pay the same out of the Borough Fund of the said Borough.

XXV. And be it enacted, That in every Borough shall be elected, at the Time and in the Manner herein-after mentioned, One fit Person, who shall be and be called "The Mayor" of such Borough; and a certain Number of fit Persons, who shall be and be called "Aldermen" of such Borough; and a certain Number of other fit Persons, who shall be and be called "The Councillors" of such Borough; and such Mayor, Aldermen, and Councillors for the Time being shall be and be called "The Council" of such Borough; and the Number of Persons so to be elected Councillors of such Borough shall be the Number of Persons in that Behalf mentioned in conjunction with the Name of such Borough in the Schedules (A.) and (B.) to this Act annexed; and the Number of Persons so to be elected Aldermen shall be One Third of the Number of Persons so to be elected Councillors; and on the Ninth Day of *November* in this present Year the Councillors first to be elected under the Provisions of this Act, and on the Ninth Day of *November* in the Year One thousand eight hundred and thirty-eight, and in every Third succeeding Year, the Council for the Time being

of every Borough, shall elect from the Councillors, or from the Persons qualified to be Councillors, the Aldermen of such Borough, or so many as shall be needed to supply the Places of those who shall then go out of Office according to the Provisions herein-after contained; and that upon the Ninth Day of *November* in the Year One thousand eight hundred and thirty-eight, and in every Third succeeding Year, One Half of the Number appointed as aforesaid to be the whole Number of the Aldermen of every Borough shall go out of Office; and the Councillors immediately after the first Election of Aldermen shall appoint who shall be the Aldermen who shall go out of Office in the Year One thousand eight hundred and thirty-eight, and thereafter those who shall go out of Office shall always be those who have been Aldermen for the longest Time without Re-election: Provided always, that any Alderman so going out of Office may be forthwith re-elected, if then qualified as herein provided; provided also, that the Aldermen so going out of Office shall not be entitled to vote in the Election of a new Alderman.

XXVI. And be it enacted, That the Mayor and Aldermen shall, during their respective Offices, continue to be Members of the Council of the Borough, notwithstanding any thing herein-after contained as to Councillors going out of Office at the End of Three Years.

Mayor and Aldermen to continue to be Members of the Council during their Offices.

XXVII. And be it enacted, That whenever any extraordinary Vacancy shall take place in the Office of Alderman of any Borough, the Council of such Borough shall, within Ten Days after such Vacancy shall occur, on a Day to be fixed by the Mayor for such Purpose, elect some other fit Person to fill such Vacancy, either from the Councillors or from the Persons qualified to be Councillors; and in case any Councillor shall be elected to fill the Office of Alderman, then the Vacancy which will thereby be occasioned in the Council shall be filled up at the Time and in the Manner herein-after directed; and every Person so elected an Alderman to fill an extraordinary Vacancy shall hold such Office until the Time when the Person in the Room of whom he was chosen would regularly have gone out of Office, and he shall then go out of Office, but may be re-elected if then qualified as herein provided.

Future Vacancies in the Office of Aldermen how to be filled up.

XXVIII. And be it enacted, That no Person being in Holy Orders, or being the regular Minister of any Dissenting Congregation, shall be qualified to be elected or to be a Councillor of any such Borough or an Alderman of any such Borough, nor shall any Person be qualified to be elected or to be a Councillor or an Alderman of any such Borough who shall not be entitled to be on the Burgess List of such Borough, nor unless he shall be seised or possessed of Real or Personal Estate or both to the following Amount, that is to say, in all Boroughs directed by this Act to be divided into Four or more Wards to the Amount of One thousand Pounds, or be rated to the Relief of the Poor of such Borough upon the annual Value of not less than Thirty Pounds, and in all Boroughs directed to be divided into less than Four Wards, or which shall not be divided into Wards, to the Amount of Five hundred Pounds, or be rated to the Relief of the Poor in such Borough upon the annual Value of not less than Fifteen Pounds, or during such Time as he shall hold any Office or Place of Profit, other than that of Mayor, in the Gift or Disposal of the Council of such Borough, or during such

Who are not qualified to be chosen Mayor or Councillor.



such Time as he shall have directly or indirectly, by himself or his Partner, any Share or Interest in any Contract or Employment with, by, or on behalf of such Council; provided that no Person shall be disqualified from being a Councillor or Alderman of any Borough as aforesaid by reason of his being a Proprietor or Shareholder of any Company which shall contract with the Council of such Borough for lighting or supplying with Water or insuring against Fire any Part of such Borough.

Who shall vote in the Election for Councillors.

XXIX. And be it enacted, That every Burgess of any Borough who shall be enrolled on the Burgess Roll for the Time being of such Borough shall be entitled to vote in the Election of Councillors and of the Auditors and Assessors herein-after mentioned for such Borough, and no Person who shall not be enrolled in such Burgess Roll for the Time being shall have any Voice or be entitled to vote in any such Election.

Councillors to be chosen on the 1st Nov. in every Year.

XXX. And be it enacted, That upon the First Day of *November* in every Year the Burgesses so enrolled in every Borough shall openly assemble and elect from the Persons qualified to be Councillors the Councillors of such Borough, or such Part of them as shall be needed to supply the Places of those who shall then go out of Office: Provided nevertheless, that whenever any Day by this Act appointed for any Purpose shall in any Year happen on a *Sunday*, in every such Case the Business so appointed to be done shall take place on the *Monday* following.

One Third Part of the Council to go out of Office annually.

XXXI. And be it enacted, That upon the First Day of *November* One thousand eight hundred and thirty-six, and in every succeeding Year, One Third Part of the Number appointed as aforesaid to be the whole Number of the Councillors of every Borough shall go out of Office; and in the said Year One thousand eight hundred and thirty-six those who shall go out of Office shall be the Councillors who were elected under the Provisions of this Act by the smallest Numbers of Votes in this present Year, and in the next Year, One thousand eight hundred and thirty-seven, those who shall so go out of Office shall be the Councillors who were elected under the Provisions of this Act by the next smallest Numbers of Votes in this present Year, the Majority of the whole Council always determining when the Votes for any such Persons shall have been equal, who shall be the Persons so to go out of Office; and thereafter those who shall so go out of Office shall always be the Councillors who have been for the longest Time in Office without Re-election: Provided always, that any Councillor so going out of Office shall be capable of being forthwith re-elected, if then qualified, as herein provided.

Elections to be held before Mayor and Assessors.

XXXII. And be it enacted, That every Election of Councillors within any Borough according to the Provisions of this Act shall be held before the Mayor and Assessors for the Time being of such Borough, except as herein is excepted; and the voting at every such Election shall commence at Nine o'Clock in the Forenoon, and shall finally close at Four o'Clock in the Afternoon of the same Day, and shall be conducted in manner following; that is to say, every Burgess entitled to vote in the Election of Councillors may vote for any Number of Persons not exceeding the Number of Councillors then to be chosen, by delivering to the Mayor and Assessors or other presiding Officer as herein-after mentioned a Voting Paper, containing

Mode of voting.

containing the Christian Names and Surnames of the Persons for whom he votes, with their respective Places of Abode and Descriptions, such Paper being previously signed with the Name of the Burgess voting, and with the Name of the Street, Lane, or other Place in which the Property for which he appears to be rated on the Burgess Roll is situated.

XXXIII. And be it enacted, That at every Election in any Borough the Mayor, if it shall appear to him expedient for taking the Poll at such Election, may cause Booths to be erected, or Rooms to be hired and used as such Booths, for different Parts of such Borough, which may be situated either in one Place or in several Places, and shall be so divided and allotted into Compartments as to the Mayor shall seem most convenient; and the Mayor shall appoint a Clerk to take the Poll at each Compartment, and shall cause to be affixed on the most conspicuous Part of each of the said Booths the Names of the Parts for which such Booth is respectively allotted; and no Person shall be admitted to vote at any such Election except at the Booth allotted for the Part wherein the House, Warehouse, Counting-house, or Shop occupied by him as described in the Burgess Roll may be; but in case no Booth shall happen to be provided for any particular Part as aforesaid the Votes of the Persons voting in respect of Property situate in any Part so omitted may be taken at any of the said Booths; and public Notice of the Situation, Division, and Allotments of the different Booths shall be given Two Days before the Commencement of the Poll by the Mayor; and in case the Booths shall be situated in different Places the Mayor may appoint a Deputy to preside at each Place: Provided also, that no Election shall be holden under this Act in any Borough in any Church, Chapel, or other Place of Public Worship.

Polling Booths to be provided.

XXXIV. And be it enacted, That no Inquiry shall be permitted at any Election as to the Right of any Person to vote as a Burgess in any Borough, except only as follows; (that is to say,) that the Mayor or other presiding Officer shall, if required by any Two Burgesses entitled to vote in the same Borough, put to any Voter at the Time of his delivering in his Voting Paper, and not afterwards, the following Questions, or any of them, and no other:

No Inquiry of the Voter except as to his Identity, and whether he has voted before at the same Election.

1. Are you the Person whose Name is signed as *A. B.* to the Voting Paper now delivered in by you?
2. Are you the Person whose Name appears as *A. B.* on the Burgess Roll now in force for this Borough, being registered therein as rated for Property described to be situated in  
? [*Here specify the Street, &c., as described in the Burgess Roll.*]
3. Have you already voted at the present Election?

Forms of Questions as to these Points.

And no Person required to answer any of the said Questions shall be permitted or qualified to vote until he shall have answered the same; and if any Person shall wilfully make a false Answer to any of the Questions aforesaid he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly.

XXXV. And be it enacted, That the Mayor and Assessors shall examine the Voting Papers so delivered as aforesaid, for the Purpose of ascertaining which of the several Persons voted for are elected; and so many of such Persons, being equal to the Number of Persons then to be chosen, as shall have the greatest Number of

Result of Election how to be declared.

of Votes, shall be deemed to be elected; and in case of an Equality in the Number of Votes for any Two or more Persons, the Mayor and Assessors, or any Two of them, shall name from amongst those Persons for whom the Number of Votes shall be equal so many as shall be necessary to complete the requisite Number of Persons to be chosen; and the Mayor shall cause the Voting Papers to be kept in the Office of the Town Clerk during Six Calendar Months at the least after every such Election; and the Town Clerk shall permit any Burgess to inspect the Voting Papers of any Year, on Payment of One Shilling for every Search; and the Mayor shall publish a List of the Names of the Persons so elected not later than Two of the Clock in the Afternoon of the Day next but One following the Day of such Election, unless such Day be *Sunday*, and then on the *Monday* following.

An Alderman to be chosen to preside at Election in case of the Death or Inability of the Mayor.

XXXVI. And be it enacted, That if the Mayor of any Borough shall, at the Time when it shall be necessary to execute the Powers and Duties herein provided with respect to Elections, be dead, absent, or otherwise incapable of acting, the Council of such Borough shall forthwith elect One of the Aldermen to execute all such Powers and Duties in the Place of the Mayor; provided that in the first Election of Councillors and of Auditors and Assessors, as herein-after provided, the Mayor alone shall act with all the Powers and Duties herein-before enacted concerning the Mayor and Assessors jointly in such Elections.

Election of Auditors and Assessors.

XXXVII. And be it enacted, That on the First Day of *March* in the Year One thousand eight hundred and thirty-six, and in every succeeding Year, the Burgesses of every Borough shall elect from the Persons qualified to be Councillors by a Majority of Votes, Two Burgesses, who shall be and be called Auditors of such Borough, and Two Burgesses, who shall be and be called Assessors of such Borough; and every such Auditor and Assessor shall continue in Office until the First Day of *March* in the Year following his Election; and the Election of such Auditors and Assessors respectively shall be in form and manner herein-before provided for the Election of Councillors: Provided nevertheless, that in every such Election of Auditors or Assessors no Burgess shall vote for more than One Person to be an Auditor or Assessor: Provided also, that no Burgess shall be eligible to be or be elected such Auditor or Assessor as aforesaid who shall be of the Council, or the Town Clerk or Treasurer of such Borough.

Existing Mayors and Councillors to go out of Office on Election of Councillors under this Act.

XXXVIII. And be it enacted, That after the Declaration of the First Election of the Councillors under the Provisions of this Act in any Borough, the Mayor, Aldermen, and Common Councilmen, and all other Members of the Common Council or governing Body of the Body Corporate named in conjunction with such Borough in the said Schedules (A.) and (B.), by whatever Name or Style they may be known or called, then in Office, shall go out of Office, and their whole Powers and Duties shall cease: Provided nevertheless, that any of the Persons so going out of Office shall be eligible to be elected and appointed under the Provisions of this Act: Provided also, that such Persons as are Justices of the Peace in any Borough at the Time of passing this Act shall continue to have and exercise all the Powers which at the Time of passing this Act they have as Justices of the Peace, until the First Day of *May* in the Year One thousand

thousand eight hundred and thirty-six, and no longer: Provided also, that in every Borough in which, by Statute, Charter, Bye Law, or Custom, any Election is appointed to be holden between the Day of the passing of this Act and the First Day of *May* next, both inclusive, no such Election shall be holden, but every Person holding Office in any Borough on the Day of the passing of this Act shall continue to hold such Office, and to have all the Powers, and be subject to all the Duties, and be entitled to the same Salary and Fees of such Office, as he would have had and been if elected to such Office between the Day of the passing of this Act and the said First Day of *May* until the Time provided by this Act for him to go out of Office; any Statute, Charter, Bye Law, or Custom notwithstanding.

XXXIX. ‘ And whereas it is expedient that certain Boroughs of large Population should be divided into Wards before any Election of Councillors for such Boroughs should take place;’ be it therefore enacted, That every Borough in the said Schedule (A.) shall be divided into the Number of Wards mentioned in such Schedule in conjunction with the Name of such Borough; and that it shall be lawful for the Barrister or Barristers appointed in pursuance of the Provisions herein-before contained to revise the Burgess and Councillors Lists of any Borough in the present Year, and he or they is and are hereby required within the Space of Six Weeks next after the passing of this Act to determine and set out the Extent, Limits, and Boundary Lines of such Wards, and what Portions of such Borough shall be included therein respectively; and the Copy of the Particulars of such Division shall be forthwith transmitted to One of His Majesty’s Principal Secretaries of State, and, if His Majesty, by Advice of His Privy Council, shall approve such Determination, shall be published in the *London Gazette*, and another Copy of such Particulars shall be delivered to the Town Clerk of such Borough, to be by him safely kept among the Public Documents of such Borough; and every such Borough shall, after such Publication as aforesaid, be deemed to be divided into such Wards as shall be so determined and set out as aforesaid, and such Division shall continue and be in force until the same shall be altered by Authority of Parliament: Provided always, that if His Majesty, by Advice of His Privy Council, shall not approve such Determination, such Publication as aforesaid shall nevertheless be made, and such Division be in force for the Purpose of any Election under the Provisions of this Act, and until such Time as His Majesty shall, by Advice of His Privy Council, upon further Information and Report from such Barristers, definitively approve the Division of such Borough into Wards in manner herein-before mentioned.

XL. And be it enacted, That the said Barrister or Barristers shall, after the Division of the Borough into such Number of Wards as is directed by this Act, apportion among the several Wards of such Borough the Number of Councillors mentioned in conjunction with the Name of such Borough in the said Schedule (A.); and in assigning the Number of Councillors to each Ward the said Barrister or Barristers shall, as far as in his or their Judgment he or they may deem it to be practicable, have Regard as well to the Number of Persons rated to the Relief of the Poor in such Ward as to the aggregate Amount of the Sums at which all the said Persons

Where Boroughs are to be divided into Wards, the Bounds of the Wards to be determined by the Barristers appointed to revise the Lists.

Number of Councillors for each Ward to be assigned by the Barristers according to certain Rules.

sons shall be so rated : Provided always, that the Number of Councillors assigned to each Ward shall be a Number divisible by Three ; and a Copy of the Particulars of the Number of Councillors so assigned to the several Wards of the Borough shall be forthwith transmitted to One of His Majesty's Principal Secretaries of State, and, subject as aforesaid to the Approval of His Majesty by the Advice of His Privy Council, shall be published in the *London Gazette*, and another Copy of such Particulars shall be delivered to the Town Clerk of the Borough, to be by him safely kept among the Public Documents of such Borough ; and the Number of Councillors so assigned to each Ward of such Borough shall, after such Publication as aforesaid, be the Number to be elected in such Ward, and shall so continue until the same shall be altered by Authority of Parliament : Provided always, that if His Majesty, by the Advice of His Privy Council, shall not approve the Number of Councillors so assigned to each Ward, such Publication shall nevertheless be made, and the Number of Councillors so assigned to each Ward of such Borough by such Barrister shall be the Number to be elected in such Ward at any Election of Councillors under this Act until such Time as His Majesty shall by Advice of His Privy Council, upon further Information and Report from such Barrister, definitively approve such Assignment in manner herein-before mentioned.

Apportionment of Councillors for each Ward in which the ancient Division is adhered to.

XLI. ' And whereas it may be convenient in divers Boroughs to adhere in the Division of the same into Wards to the ancient Division thereof into Parishes or into Districts under any Local Act, or to adapt such Division to local Circumstances, and such Division so made might render difficult such Apportionment of Councillors as is herein-before directed ;' be it therefore enacted, That in every such Case the said Barrister or Barristers shall be empowered, at his or their Discretion, subject as aforesaid to the Approval of His Majesty by the Advice of His Privy Council, to divide any Borough in conjunction with the Name of which, in the said Schedule (A.), shall be mentioned any Number of Wards greater than Two, into any Number of Wards more or less by One than the Number of Wards mentioned in conjunction with the Name of such Borough in the said Schedule.

Power to examine Rate Books.

XLII. And be it enacted, That the said Barrister or Barristers shall have Power to require any Overseer, or Person having the Custody of any Book containing any Rate made for the Relief of the Poor, in any Parish wholly or in part within any Borough to be divided into Wards, to produce such Book before and allow the same to be inspected by the said Barrister or Barristers ; and the said Barrister or Barristers shall have Power to administer an Oath to the Overseers and to all other Persons, who are hereby required to answer upon Oath all such Questions as the said Barrister or Barristers may put to them or any of them touching any Matter which the said Barrister or Barristers may deem necessary for enabling them to execute the Duties by this Act imposed upon them.

Councillors and Assessors to be elected in Wards by the Burgesses of such Wards.

XLIII. And be it enacted, That in every Case in which there shall be a Division into Wards of any Borough, the Burgesses of every such Ward, and none others, shall on the Day fixed for the First Election of Councillors separately elect from the Persons qualified to be Councillors the whole Number of Councillors assigned to such Ward respectively, and on the First Day of *November* in any

any subsequent Year shall separately elect from the Persons qualified to be Councillors One Third Part of the whole Number of Councillors assigned to such Ward, and on the First Day of *March* next after the First Election of Councillors in such Ward, and in every subsequent Year, shall separately elect from the Persons qualified to be Councillors Two Assessors for such Ward; and every such Ward Election first after such Division into Wards of any such Borough shall be held before the Mayor, or the Person whom the Mayor for the Time being shall appoint in that Behalf, and in every succeeding Year shall be held before the Alderman whom the Councillors chosen in such Ward shall yearly appoint in that Behalf and before the Two Assessors of such Ward; and the Assessors who shall hold the Court for revising the Burgess Lists with the Mayor shall be the Assessors of the Mayor's Ward, and the Voting and other Proceedings in all other respects at such Ward Elections shall be conducted in the same Manner as at Elections of Councillors or Assessors respectively by the Burgesses of the whole Borough, and the Alderman and Assessors of each Ward shall have the same Powers in regard to Elections in their Ward as the Mayor and Assessors for the whole Borough if not divided into Wards; and every Person so elected a Councillor or Assessor in such Ward shall hold his Office for the same Time that he would have held it if he had been elected by the Burgesses of the whole Borough, and if the Number elected in such Ward had been the whole Number for the Borough.

XLIV. And be it enacted, That every Burgess of any Borough shall be entitled to vote in the Election of the Councillors and Assessors to be chosen within that Ward in which the Property of such Burgess for which he appears to be rated on the Burgess Roll for the Time being of such Borough shall appear to be situated, and not otherwise; and if any Burgess shall be rated in respect of distinct Premises in Two or more Wards then he shall be entitled to be enrolled and to vote in such one of the said Wards as he shall select, but not in more than One.

Burgesses to vote in the Ward in which their Property is situated.

XLV. And be it enacted, That for the Purpose of better ascertaining who are the Burgesses of any such Ward the Burgess Roll of every Borough so divided into Wards shall thenceforward be made out, by or under the Direction of the Town Clerk, in Alphabetical Lists of the Burgesses in each Ward, to be called "Ward Lists."

Lists of the Burgesses in each Ward to be made out yearly.

XLVI. And be it enacted, That if at any Election of Councillors or Assessors for any Borough any Person shall be elected a Councillor or Assessor in more than One of the Wards of such Borough, he shall within Three Days after Notice thereof choose, or in his Default the Mayor shall declare, for which one of the said Wards such Councillor or Assessor shall serve, and such Person shall thereupon be held to be elected in that Ward only which he shall so choose, or which the Mayor shall so declare.

Manner of proceeding if any Person is elected a Councillor in more than One Ward.

XLVII. And be it enacted, That if any extraordinary Vacancy shall be occasioned in the Office of Councillor, Auditor, or Assessor for any Borough, the Burgesses entitled to vote shall, on a Day to be fixed by the Mayor of such Borough, or in the Case of a Councillor or Assessor, where the Borough shall have been divided into

Occasional Vacancies of Councillor, Auditor, or Assessor to be filled up by fresh Election.

Wards, by the Alderman of the Ward in which the Vacancy has happened, (such Day not to be later than Ten Days after such Vacancy,) elect from the Persons qualified to be Councillors another Burgess to supply such Vacancy; and such Election shall be held, and the voting and other Proceedings, in case of a Contest, shall be conducted in the same Manner and subject to the same Provisions as are herein-before enacted with respect to the Election of Councillors as aforesaid; and every Person so elected shall hold such Office until the Time at which the Person in room of whom he was chosen would regularly have gone out of Office, and he shall then go out of Office, but shall be capable of immediate Re-election, if then qualified as herein provided: Provided always, that after the full Number to be regularly elected of the Councillors in any Year shall have declared their Acceptance of Office no new Election of Councillors shall be made by reason of such extraordinary Vacancy, unless the Number of Councillors remaining after such Vacancy shall not exceed Two Thirds of the whole Number of the Council of such Borough.

Penalties on Mayor, Overseers, &c. neglecting to comply with Provisions of this Act.

XLVIII. And be it enacted, That if any Mayor, Alderman, or Assessor of any Borough who shall be in Office at the Time herein appointed for the Revision by them of the Burgess List under this Act, or for any Election of Councillors, Assessors, or Auditors which he is required to conduct or declare, shall neglect or refuse to revise such Burgess List, or to conduct or declare such Election as aforesaid, every such Mayor, Alderman, and Assessor shall for every such Offence forfeit and pay the Sum of One hundred Pounds; and if any Overseer of any Parish wholly or in part within any Borough shall neglect or refuse to make out, sign, and deliver such List as aforesaid, or if the Town Clerk of any Borough shall neglect or refuse to receive, print, and publish such Lists as aforesaid, or if any such Overseer or Town Clerk shall refuse to allow any such List to be perused by any Person having Right thereunto, every such Overseer and Town Clerk respectively for every such Offence shall forfeit and pay the Sum of Fifty Pounds; and the said Penalties hereby in such Case imposed shall be recovered, with full Costs of Suit, by any Person who will sue for the same within Three Calendar Months after the Commission of such Offence, by Action of Debt or on the Case in any of His Majesty's Superior Courts of Record; and the Money so to be recovered shall, after Payment of the Costs and Expences attending the Recovery thereof, be paid and apportioned as follows; (that is to say,) one Moiety thereof to the Person so suing, and the other Moiety thereof to the Treasurer to be appointed by virtue of this Act, to be by him applied in aid of the Borough Fund herein-after mentioned.

Council to elect the Mayor every Year from the Councillors.

XLIX. And be it enacted, That on the Ninth Day of *November* in every Year the Council of the Borough shall elect out of the Aldermen or Councillors of such Borough a fit Person to be the Mayor of such Borough, who shall continue in his Office for One whole Year; and in case a Vacancy shall be occasioned in the Office of Mayor of the Borough during such Year by reason of any Person who shall have been elected to such Office not accepting the same, or by reason of his dying or ceasing to hold the said Office, the Council of the Borough shall within Ten Days after such Vacancy elect

elect out of the Aldermen or Councillors of the said Borough another fit Person to be the Mayor thereof for the Remainder of the then current Year.

L. And be it enacted, That no Person elected a Mayor, Alderman, or Councillor, or Auditor or Assessor, for any Borough, shall be capable of acting as such, except in administering the Declaration herein-after contained, until he shall have made and subscribed before any Two or more such Aldermen or Councillors (who are hereby respectively authorized and required to administer the same to each other) a Declaration in the Words or to the Effect following; (that is to say,)

‘ I *A. B.*, having been elected Mayor [*or Alderman, Councillor, Auditor, or Assessor*] for the Borough of \_\_\_\_\_ do hereby declare, That I take the said Office upon myself, and will duly and faithfully fulfil the Duties thereof according to the best of my Judgment and Ability; [*and in the Case of the Party being qualified by Estate say, and I do hereby declare that I am seised or possessed of Real or Personal Estate, or both, [as the Case may be,]* to the Amount of One thousand Pounds or Five hundred Pounds, *as the Case may require*, over and above what will satisfy all my Debts].’

And that every Alderman who shall have made and subscribed the foregoing Declaration in respect of Estate shall once in every Period of Three Years, if required in Writing so to do by any Two Members of the Council, make and subscribe a Declaration that he is qualified to the same Amount in Real or Personal Estate, or both, as the Case may then be, as the Amount mentioned in the Declaration originally made and subscribed by him: Provided always, that nothing in this Act contained shall be construed to dispense with the Obligation of any Person to make and subscribe the Declaration provided and enjoined by an Act made in the Ninth Year of His late Majesty *George* the Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments*.

LI. And be it enacted, That every Person duly qualified who shall be elected to the Office of Alderman, Councillor, Auditor, or Assessor, and every Councillor who shall be elected to the Office of Mayor, for any Borough, shall accept such Office to which he shall have been elected, or shall in lieu thereof pay to the Mayor, Aldermen, and Burgesses of such Borough such Fine not exceeding Fifty Pounds in case of Aldermen, Councillors, Auditors, or Assessors, and such Fine not exceeding One hundred Pounds in case of Mayor, as the Council of such Borough by a Bye Law to be made as herein-after provided shall declare in that Behalf; and such Fine if not duly paid shall be levied by the Warrant of any Justice having Jurisdiction within the Borough, who is hereby required on the Application of the Council to issue the same, by Distress and Sale of the Goods and Chattels of the Person so refusing to accept Office, with the reasonable Charges of such Distress; and every such Person so elected shall accept such Office by making and subscribing the Declaration herein-before mentioned within Five Days after Notice of his Election, otherwise such Person shall be liable to pay the said Fine as for his Non-acceptance of such Office, and such

Mayor, Aldermen, and Councillors, Auditors and Assessors, not to act until they have made a Declaration of Acceptance of Office.

Aldermen, if required, to make a Declaration of Qualification once in Three Years.

9 G. 4. c. 17.

Every Burgess elected to the Office of Alderman, Councillor, Auditor, or Assessor, and every Councillor elected to the Office of Mayor, shall accept the Office or pay a Fine to the Borough Fund.



Exemptions.

Office shall thereupon be deemed to be vacant and shall be filled up by a fresh Election to be made in the Manner herein-before mentioned: Provided always, that no Person disabled by Lunacy or Imbecility of Mind, or by Deafness, Blindness, or other permanent Infirmary of Body, shall be liable to such Fine as aforesaid: Provided also, that every Person so elected to any such Office who shall be above the Age of Sixty-five Years, or who shall have already served such Office respectively, or paid the Fine for not accepting such Office respectively, within Five Years from the Day on which he shall be so re-elected, shall be exempted from accepting or serving the same Office if he shall claim such Exemption within Five Days after Notice of his Election: Provided always, that nothing in this Act contained shall extend to compel the Acceptance of any Office or Duty whatever in any Borough by any Military, Naval, or Marine Officer in His Majesty's Service on Full Pay, or by any Officer or other Person employed and residing within any of His Majesty's Dockyards, Victualling Establishments, Arsenals, or Barracks.

Any Mayor, Alderman, or Councillor, if he shall be declared bankrupt or insolvent, or absent himself from the Borough, shall lose his Office.

LII. Provided always, and be it enacted, That if any Person holding the Office of Mayor, Alderman, or Councillor for any Borough shall be declared bankrupt, or shall apply to take the Benefit of any Act for the Relief of Insolvent Debtors, or shall compound by Deed with his Creditors, or, being Mayor, shall be absent for more than Two Calendar Months, or, being an Alderman or Councillor, for more than Six Months at one and the same Time, (unless in case of Illness,) from the Borough of which he shall be Mayor, Alderman, or Councillor, then and in every such Case such Person shall thereupon immediately become disqualified and shall cease to hold the Office of such Mayor, Alderman, or Councillor as aforesaid, and in the Case of such Absence shall be liable to the same Fine, to be recovered in the same Manner, as if he had refused to accept the said Office; and the Council thereupon shall forthwith declare the said Office to be void, and shall signify the same by Notice in Writing under the Hands of Three or more of them, countersigned by the Town Clerk, to be affixed in some public Place within the Borough, and the said Office shall thereupon become void; but every Person so becoming disqualified and ceasing to hold such Office on account of his being declared a Bankrupt, or of his applying to take the Benefit of any Act for the Relief of Insolvent Debtors, or having compounded with his Creditors as aforesaid, shall, on obtaining his Certificate or on Payment of his Debts in full, be capable (if otherwise qualified) of being re-elected to such Office, and every Person becoming disqualified to hold such Office on account of Absence as aforesaid shall on his Return to such Borough be capable of being re-elected to such Office, provided he shall then be otherwise qualified.

Penalty on Persons not qualified, &c. acting as Mayor, Alderman, or Councillor.

LIII. And be it enacted, That if any Person shall act as Mayor, Alderman, or Councillor, or Auditor or Assessor, for any Borough, without having made the Declaration herein-before required in that Behalf, or without being duly qualified at the Time of making such Declaration, or after he shall cease to be qualified according to the Provisions of this Act, or after he shall have become disqualified to hold any such Office, he shall for every such Offence forfeit the Sum of Fifty Pounds, such Sum to be recovered, with full Costs of Suit, by any Person who will sue for the same within Three

Calendar Months after the Commission of such Offence, by Action of Debt or on the Case in any of His Majesty's Superior Courts of Record; and every Person so sued by reason of not being so qualified in respect of Estate shall prove that he was at the Time of so acting qualified as aforesaid, or otherwise shall pay the said Penalty, without any further Evidence being given on the Part of the Plaintiff than that such Person has acted as the Mayor, or as Alderman, Councillor, Auditor, or Assessor (as the Case may be) of such Borough: Provided always, that it shall be lawful for any Defendant, by Judge's Order to be obtained within Fourteen Days after he shall have been served with Process in any such Action, to require the Plaintiff to give Security for Costs; and in such Case all further Proceedings in the said Cause shall be stayed until the Plaintiff shall give Security to the Satisfaction of the proper Officer of the Court for the Costs of such Action in case a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue such Action, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff; and the Defendant shall in either of such Cases recover his full Costs as between Attorney and Client: Provided also, that no such Action shall be brought except by a Burgess of such Borough, nor unless the Burgess bringing the same shall, within Fourteen Days after the Commission of the Offence, have served a Notice in Writing personally upon the Party committing such Offence of his Intention to bring such Action; and in case the Plaintiff in any such Action shall obtain a Verdict, the Money so to be recovered shall, after Payment of the Costs and Expences attending the Recovery thereof, be paid and apportioned as follows; (that is to say,) one Moiety thereof to the Person so suing, and the other Moiety thereof to the Treasurer to be appointed by virtue of this Act, to be by him applied in aid of the Borough Fund: Provided always, that all Acts and Proceedings of any Person in Possession of the Office of Mayor, Alderman, Councillor, Auditor, or Assessor, and acting as a Mayor, Alderman, Councillor, Auditor, or Assessor, shall, notwithstanding such Disqualification or Want of Qualification, be as valid and effectual as if such Person had been duly qualified.

Proviso.

LIV. And be it enacted, That if any Person who shall have or claim to have any Right to vote in any Election of Mayor, or of a Councillor, Auditor, or Assessor of any Borough, shall, after the passing of this Act, ask or take any Money or other Reward by way of Gift, Loan, or other Device, or agree or contract for any Money, Gift, Office, Employment, or other Reward whatsoever, to give or forbear to give his Vote in any such Election, or if any Person, by himself or any Person employed by him, shall, by any Gift or Reward, or by any Promise, Agreement, or Security for any Gift or Reward, corrupt or procure, or offer to corrupt or procure, any Person to give or forbear to give his Vote in any such Election, such Person so offending in any of the Cases aforesaid shall for every such Offence forfeit the Sum of Fifty Pounds of lawful Money of *Great Britain*, to be recovered, with full Costs of Suit, by any one who shall sue for the same, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*; and any Person offending in any of the Cases aforesaid, being lawfully convicted thereof, shall for ever be disabled to vote in any

Persons convicted of Bribery disqualified from voting at any Election in the Borough.

Election in such Borough; or in any Municipal or Parliamentary Election whatever in any Part of the United Kingdom, and also shall for ever be disabled to hold, exercise, or enjoy any Office or Franchise to which he then shall or at any Time afterwards may be entitled as a Burgess of such Borough, as if such Person was naturally dead.

Persons offending in any of the Cases aforesaid discovering others so offending, to be discharged from all Penalties.

LV. And be it enacted, That if any Person offending in any of the Cases aforesaid shall, within the Space of Twelve Months next after such Election as aforesaid, discover any other Person offending in any of the Cases aforesaid, so that such other Person be thereon convicted, such Person so discovering, and not having been before that Time convicted of any such Offence, shall be indemnified and discharged from all Penalties and Disabilities which he shall then have incurred by any such Offence.

No Person liable to Incapacity, Penalty, &c. unless prosecuted within Two Years.

LVI. Provided always, and be it enacted, That no Person shall be made liable to any Incapacity, Disability, Forfeiture, or Penalty by this Act imposed in any of the Cases aforesaid, unless Prosecution be commenced within Two Years after such Incapacity, Disability, Forfeiture, or Penalty shall be incurred, any thing herein contained to the contrary notwithstanding.

The Mayor to be a Justice of the Peace for the Borough and Returning Officer at Elections of Members to serve in Parliament.

LVII. And be it enacted, That the Mayor for the Time being of every Borough shall be a Justice of the Peace of and for such Borough, and shall continue to be such Justice of the Peace during the next succeeding Year after he shall cease to be Mayor, unless disqualified as aforesaid; and such Mayor shall, during the Time of his Mayoralty, have Precedence in all Places within the Borough, and in Boroughs which return a Member or Members to serve in Parliament, other than the Town of *Berwick-upon-Tweed*, and other than Cities and Towns which are Counties of themselves, shall be the Returning Officer at all such Elections; and in case the Mayor shall, at the Time when he shall be required to perform the Duties of such Returning Officer, be dead, absent, or otherwise incapable of acting, or in case there shall be no Mayor, the Council of such Borough shall forthwith elect one of the Aldermen to be the Returning Officer for such Borough in the Place of the Mayor being so dead, absent, or otherwise incapable: Provided always, that in every Case where there shall be more than One Mayor within the Boundaries of any Borough as the same are or shall at any future Time be settled in so far as respects the Election of Members to serve in Parliament the Mayor of that Borough to which the Writ of Election shall be directed shall be the Returning Officer.

Power to Council to appoint Town Clerk, Treasurer, and other Officers;

LVIII. And be it enacted, That the Council of every Borough, on the Ninth Day of *November* in this present Year, shall appoint a fit Person, not being a Member of the Council, to be the Town Clerk of such Borough, who shall hold his Office during Pleasure; and in any Borough may be an Attorney of One of His Majesty's Superior Courts at *Westminster*, any Law, Statute, Charter, or Usage to the contrary notwithstanding; and the Council of every Borough shall in every Year appoint another fit Person, not being a Member of the Council, to be the Treasurer of the Borough, and also such other Officers as have been usually appointed in such Borough, or as they shall think necessary for enabling them to carry into execution the various Powers and Duties vested in them

by

by virtue of this Act, and may from Time to Time discontinue the Appointment of such Officers as shall appear to them not necessary to be re-appointed; and shall take such Security for the due Execution of his Office by any such Town Clerk, Treasurer, or other Officer, as the said Council shall think proper; and shall order to be paid to the Mayor, and to the Town Clerk and Treasurer, and to every such other Officer to be employed as aforesaid, such Salary or Allowance as the said Council shall think reasonable; and in case of a Vacancy in any such Office as aforesaid by Death, Resignation, Removal, or otherwise, the Council of such Borough may appoint another fit Person in the Place of the Person so making such Vacancy; provided that the Town Clerk and Treasurer shall not be the same Person.

and to take  
Security for due  
Discharge of  
their official  
Duties.  
Salaries.

LIX. And be it enacted, That the Treasurer of any Borough shall pay no Money on account of the Mayor, Aldermen, and Burgesses of such Borough, save only in such Case as is provided by this Act, or upon the Order in Writing of the Council, signed by Three or more Members of the Council, and countersigned by the Town Clerk of such Borough, or by Order of the Court of Sessions of the Peace for the Borough, or of a Justice of the Peace acting in and for the Borough in the Discharge of his Judicial Duty, in such Case as is provided by this Act, or in such Case as a Court of Sessions of the Peace for any County, or a Justice of the Peace acting in and for a County in the Discharge of his Judicial Duty, may make an Order for the Payment of Money on the Treasurer of such County, or for the Payment of the Salaries granted to any Recorder or Police Magistrate as herein-after provided.

Treasurer to  
pay no Money  
but by Order of  
Council.

LX. And be it enacted, That every Town Clerk, Treasurer, or other Officer appointed by the Council as aforesaid shall, at such Times during the Continuance of his Office, or within Three Months after the Expiration of his Office, and in such Manner as the said Council shall direct, deliver to the Council, or to such Person as they shall authorize for that Purpose, a true Account in Writing of all Matters committed to his Charge by virtue of this Act, and also of all Monies which shall have been by him received by virtue or for the Purposes of this Act, and how much thereof shall have been paid and disbursed, and for what Purposes, together with proper Vouchers for such Payments, and also a List of the Names of all such Persons as shall not have paid the Monies due from them for the Purposes of this Act, and of the Amount due from each of them; and every such Officer shall pay all such Monies as shall remain due from him to the Treasurer for the Time being, or to such Person as the said Council shall authorize to receive the same; and if any such Officer shall refuse or wilfully neglect to deliver such Account, or the Vouchers relating to the same, or such List as aforesaid, or to make Payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such Person as they shall authorize, within Three Days after being thereunto required by Notice in Writing under the Hands of any Three or more of the said Council, to be given to or left at the last Place of Abode of such Officer, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, or to give Satisfaction to the said Council, or to such other Person as aforesaid,

Officers to  
account, &c.  
according to the  
Orders of the  
Council.

Summary Re-  
medy against  
Officers for not  
accounting, &c.

respecting the same, then and in every such Case, upon Complaint made on behalf of the said Council, by such Person as they shall authorize for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County or other Jurisdiction wherein such Officer so refusing or neglecting shall be or reside, such Justice is hereby authorized and required to issue a Warrant under his Hand and Seal for bringing such Officer before any Two Justices of the Peace for such County or Jurisdiction; and upon the said Officer appearing, or not being found, it shall be lawful for such Justices to hear and determine the Matter in a summary Way; and if it shall appear to such Justices that any Monies remain due from such Officer, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands and Seals, to cause such Monies to be levied by Distress and Sale of the Goods of such Officer; and if sufficient Goods shall not be found to satisfy the said Monies and the Charges of the Distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such Account, or the Vouchers relating thereto, or such List as aforesaid, or that any Books, Papers, or Writings relating to the Execution of this Act remain in the Hands or in the Custody or Power of such Officer, and that he has refused or wilfully neglected to deliver the same, or to give Satisfaction respecting the same as aforesaid, then and in every such Case such Justices shall and they are hereby required to commit such Offender to the Common Gaol or House of Correction for the County or Jurisdiction where such Offender shall be or reside, there to remain without Bail until he shall have paid such Monies as aforesaid, or shall have compounded with the said Council for such Monies, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Council are hereby empowered to make and receive,) or until he shall have delivered a true Account as aforesaid, together with such Vouchers and Lists as aforesaid, or until he shall have delivered up such Books, Papers, and Writings, or have given Satisfaction in respect thereof, to the said Council, or to such other Person as aforesaid, as the Case may be: Provided always, that no Person so committed shall be detained in Prison for Want of sufficient Distress only for a longer Space of Time than Three Calendar Months; provided also, that nothing in this Act contained shall prevent or abridge any Remedy by Action against any such Officer so offending as aforesaid, or against any Surety for any such Officer, but such Officer shall not be sued by Action and also proceeded against in a summary Manner by virtue of this Act for the same Cause.

Proviso.

Remedy by  
Action.

Councils of  
Cities and  
Towns which  
are Counties to  
name a Sheriff.

LXI. And be it enacted, That in the City of *Oxford*, in the Town of *Berwick-upon-Tweed*, and in the Counties of the Cities of *Bristol*, *Canterbury*, *Chester*, *Coventry*, *Exeter*, *Gloucester*, *Lichfield*, *Lincoln*, *Norwich*, *Worcester*, and *York*, and in the Counties of the Towns of *Caermarthen*, *Haverfordwest*, *Kingston-upon-Hull*, *Newcastle-upon-Tyne*, *Nottingham*, *Poole*, and *Southampton*, the Council shall on the First Day of *November* in every Year appoint a fit Person to execute the Office of Sheriff, with the like Duties and Powers as the Sheriff or the Person filling the Office of Sheriff in the said Town and Counties respectively would have had if this Act had not passed; and every Person who, at the Time of the passing

passing of this Act, shall hold the Office or execute the Duties of Sheriff in the said Town and Counties respectively shall continue to hold and execute the same until the first Appointment of a Sheriff therein under the Provisions of this Act, and no longer.

LXII. And be it enacted, That the Council of every Borough in which a separate Court of Quarter Sessions of the Peace shall be holden, as is herein-after provided, shall, within Ten Days next after the Grant of the said Court shall have been signified to the Council of such Borough, appoint a fit Person, not being an Alderman or Councillor, to be Coroner of such Borough so long as he shall well behave himself in his Office of Coroner, and shall fill up every Vacancy of the Office of Coroner of the Borough, by Death, Resignation, or Removal, within Ten Days next after such Vacancy shall have occurred, and none thereafter shall take any Inquisition which belongs to the Office of Coroner within such Borough save only the Coroner so from Time to Time to be appointed; and every such Coroner, for every Inquisition which he shall duly take within such Borough, shall be entitled to have the Sum of Twenty Shillings, and also the Sum of Nine-pence for every Mile exceeding Two Miles which he shall be compelled to travel from his usual Place of Abode to take such Inquisition; to be paid by the Treasurer out of the Borough Fund of such Borough, by Order of the Court of Quarter Sessions for such Borough.

In certain Boroughs, Council to appoint a Coroner.

LXIII. And be it further enacted, That on or before the First Day of *February* in every Year after the passing of this Act every Coroner appointed in any Borough shall make and transmit to One of His Majesty's Principal Secretaries of State a Return in Writing, according to such Form as the said Secretary of State from Time to Time shall direct, of all the Cases in which he may have been called upon to hold an Inquest touching the Cause of Death of any Person during the Year ending on the Thirty-first Day of *December* immediately preceding.

Coroners to make Returns to Secretary of State.

LXIV. And be it enacted, That in every Borough in and for which no separate Court of Quarter Sessions of the Peace shall be holden no Person from and after the End of this present Year shall take any Inquisition which belongs to the Office of Coroner within such Borough, save only the Coroner for the County or District in which such Borough is situated; and the Coroner of such County or District, for every Inquisition which he shall duly take within any Place or Precinct within any such Borough, shall be entitled to have such rateable Fees and Salary as would be allowed and due to him, and to be allowed and paid in like Manner, as for any other Inquisition taken by him within such County: Provided always, that nothing in this Act contained shall extend or be construed to annul, diminish, or affect the Authority of the Lord High Admiral, or of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, or of the Judge of the High Court of Admiralty of *England*, as the Lieutenant of the Lord High Admiral in the said Court, to appoint Coroners to act within the Jurisdiction of the Admiralty in the several Ports and Havens and on the Sea Coast of *England*, and to take Inquisitions touching Deaths happening within the said Jurisdiction, as hath heretofore been done.

County Coroners to act in other Boroughs.

LXV. And

Council empowered to remove certain Officers.

Such Officers to continue until removed.

LXV. And be it enacted, That the Council elected under this Act in any Borough shall have Power to remove from his Office every Bailiff, Treasurer, or Chamberlain, and every other ministerial or executive Officer of such Borough and Body Corporate who shall be in Office at the Time of the first Election of Councillors under this Act; and every such Bailiff, Treasurer, or Chamberlain, and every other ministerial or executive Officer in such Borough, shall continue to act in the same Capacity as heretofore, and to execute all the Duties heretofore belonging to his Office, and be entitled to have the same Salaries, Fees, and Emoluments as he would have had if this Act had not passed, until he shall be removed from his Office, and no longer, unless he shall be re-appointed according to the Provisions of this Act; and every Officer who shall be in Possession or Receipt of any Monies, Goods, valuable Securities, Books, and Papers belonging to or concerning the Body Corporate whose Officer he is shall deliver up and account for the same to the Council of such Body Corporate appointed under this Act; and the Council shall have the same Remedy against such Officer to recover the same as is herein-before provided in the case of Officers appointed by such Council: Provided always, that all the Charters, Deeds, Muniments, and Records of every Borough, or relating to the Property thereof, shall be kept in such Place as the Council from Time to Time shall direct, and the Town Clerk for the Time being shall have the Charge and Custody of and be responsible for the same.

Officers to receive Compensation on Removal;

to deliver Statement of Claims.

LXVI. And be it enacted, That every Officer of any Borough or County who shall be in any Office of Profit at the Time of the passing of this Act, whose Office shall be abolished, or who shall be removed from his Office under the Provisions of this Act, or who shall not be reappointed as aforesaid, shall be entitled to have an adequate Compensation, to be assessed by the Council, and paid out of the Borough Fund, for the Salary, Fees, and Emoluments of the Office which he shall so cease to hold, Regard being had to the Manner of his Appointment to the said Office, and his Term or Interest therein, and all other Circumstances of the Case; and every Person entitled to such Compensation as aforesaid shall deliver to the Town Clerk, or in case such Person shall himself be Town Clerk then to the Treasurer of the Borough, a Statement under the Hand of such Person setting forth the Amount received by him or his Predecessors in every Year during the Period of Five Years next before the passing of this Act on account of the Salary, Fees, Emoluments, Profits, and Perquisites in respect whereof he shall claim such Compensation, distinguishing the Office, Place, Situation, Employment, or Appointment in respect whereof the same shall have been received, and containing a Declaration that the same is a true Statement according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the Town Clerk or Treasurer, as the Case shall be, shall lay such Statement before the Council, who shall take the same into consideration and determine thereon; and immediately upon such Determination being made the Person preferring such Claim, if he shall not himself be the Town Clerk, shall be informed thereof by Notice in Writing under the

Hand of the Town Clerk; and in case such Claim shall be admitted in part and disallowed in part, such Notice shall specify the Particulars in which the same shall have been admitted and disallowed respectively; and in case the Person preferring such Claim shall think himself aggrieved by the Determination of the Council thereon, or in case One Third of the Members of the Council shall subscribe a Protest against the Amount of Compensation allowed by the Determination of the Council as excessive, it shall be lawful for the Person preferring such Claim, or any Member of the Council who shall subscribe such Protest, to appeal to the Lords Commissioners of His Majesty's Treasury, who shall thereupon make such Order as to them shall seem just; and such Order, signed by Three or more of such Lords Commissioners, shall be binding on all Parties: Provided always, that if the Council shall not determine on such Claim within Six Calendar Months after the aforesaid Statement shall be delivered to the Town Clerk or Treasurer, as the Case shall be, such Claim shall be considered as admitted: Provided also, that it shall not be lawful for any Member of the Council to subscribe such Protest as aforesaid except within such Period of Six Calendar Months: Provided also, that the Person preferring such Claim, if any Member of the Council shall so require, upon receiving Notice in Writing, signed by the Town Clerk, unless such Person shall himself be Town Clerk, in which Case no such Notice shall be requisite, shall from Time to Time attend at any Meeting or adjourned Meeting of the Council for the Investigation of such Claim, and then and there, upon his Oath or solemn Affirmation, to be taken or made before the Mayor, (who is hereby authorized to administer the same,) shall answer all such Questions as shall be asked by any Member of the Council touching the Matters set forth in the Statement subscribed by such Person as aforesaid, and produce all Books, Papers, and Writings in his Possession, Custody, or Power relating thereto: Provided also, that every such Officer who shall be continued in or re-appointed to such Office under the Provisions of this Act, and who shall be subsequently removed from such Office for any Cause other than such Misconduct as would warrant Removal from any Office held during good Behaviour, shall be entitled to Compensation in like Manner as if he had been forthwith removed under the Provisions of this Act, and had not been continued in or re-appointed to such Office.

LXVII. And be it enacted, That the Sum payable to any Person as such Compensation as aforesaid shall be secured to such Person by Bond or Obligation under the Common Seal of the Borough out of whose Funds the same shall be payable, in a sufficient Penalty, conditioned for the Payment to such Person, his Executors or Administrators or Assigns, of such Sum, with all Arrears thereof (if any) accrued due before the Date of such Bond; and such Bond or Obligation shall be prepared and executed at the Expence of the Borough Fund, and delivered to the Person entitled to such Compensation as soon as conveniently may be after the Amount thereof shall have been admitted as aforesaid by the Council of the Borough, or shall have been determined, in the Event of such Appeal as aforesaid, by the Order of the said Lords Commissioners.

Compensation  
to be secured  
by Bond under  
Common Seal.

LXVIII. And



Reservation of certain Pensions and Allowances.

LXVIII. And be it enacted, That all Pensions and Allowances granted on or before the Fifth Day of *June* in this present Year, by the Corporate Body named in the said Schedules (A.) and (B.) in conjunction with any Borough, to any retired Officer or Servant, or to the Widow or Child of any Officer or Servant, and all Stipends and Allowances which during Seven Years next before the said Fifth Day of *June* have been usually paid and granted to the Minister or late Minister of any Church or Chapel, or to the Master or Usher of any School, or to the Governor or Master of any Hospital within such Borough, and all charitable Allowances which have been usually paid as aforesaid to the Inmates of any Almshouses by such Corporate Body, shall be secured, as soon as conveniently may be after the passing of this Act, to every Person entitled or accustomed to have and receive the same, by Bond or Obligation under the Common Seal of the Borough out of whose Funds the same shall be payable, in a sufficient Penalty, conditioned for the Payment to such Person, his Executors and Administrators, of such Pension, Stipend, or Allowance, with all Arrears thereof, if any, accrued due before the Date of such Bond; and such Bond or Obligation shall be prepared and executed at the Expence of the Borough Fund.

All Acts of the Council to be decided by a Majority of Councillors present; One Third Part of the whole Number to be a Quorum.

LXIX. And be it enacted, That all Acts whatsoever authorized or required by virtue of this Act to be done by the Council of such Borough, and all Questions of Adjournment or others that may come before such Council, may be done and decided by the Majority of the Members of the Council who shall be present at any Meeting held in pursuance of this Act, the whole Number present at such Meeting not being less than One Third Part of the Number of the whole Council; and at all such Meetings the Mayor, if present, shall preside; and the Mayor, or, in the Absence of the Mayor, such Aldermen, or, in the Absence of all the Aldermen, such Councillor as the Members of the Council then assembled shall choose to be the Chairman of that Meeting, shall have a Second or Casting Vote in all Cases of Equality of Votes; and Minutes of the Proceedings of all such Meetings shall be drawn up and fairly entered into a Book to be kept for that Purpose, and shall be signed by the Mayor, Alderman, or Councillor presiding at such Meeting; and the said Minutes shall be open to the Inspection of any Burgess at all reasonable Times on Payment of a Fee of One Shilling: Provided always, that previous to any Meeting of the Council held by virtue of this Act a Notice of the Time and Place of such intended Meeting shall be given Three clear Days at least before such Meeting, by fixing the said Notice on or near the Door of the Town Hall of the Borough; and such Notice shall be signed by the Mayor, who shall have Power to call a Meeting of the Council as often as he shall think proper; and in case the Mayor shall refuse to call any such Meeting after a Requisition for that Purpose signed by Five Members of the Council at the least shall have been presented to him, it shall be lawful for the said Five Members to call a Meeting of the Council by giving such Notice as is herein-before required in that Behalf, such Notice to be signed by the said Members instead of the Mayor, and stating therein the Business proposed to be transacted at such Meeting; and in every

Notice of Meeting of Council.

every Case a Summons to attend the Council, specifying the Business proposed to be transacted at such Meeting, signed by the Town Clerk, shall be left at the usual Place of Abode of every Member of the Council or at the Premises in respect of which he is enrolled a Burgess, Three clear Days at least before such Meeting; and no Business shall be transacted at such Meeting other than is specified in the Notice: Provided always, that there shall be in every Borough Four quarterly Meetings in every Year at which the Council shall meet for the Transaction of general Business, and no Notice shall need to be given of the Business to be transacted on such quarterly Days; and the said quarterly Meetings shall be holden at Noon on the Ninth Day of *November*, or if the Ninth Day of *November* shall fall on a *Sunday* on the Day following, and at such Hour on such other Three Days before the First Day of *November* then next following as the Council at the quarterly Meeting in *November* shall decide; and the first Business transacted at the quarterly Meeting in *November* shall be the Election of Mayor.

Quarterly Meetings of Council.

LXX. And be it enacted, That it shall be lawful for the Council of any Borough to appoint out of their own Body, from Time to Time, such and so many Committees, either of a general or special Nature, and consisting of such Number of Persons as they may think fit, for any Purposes which, in the Discretion of such Council, would be better regulated and managed by means of such Committees: Provided always, that the Acts of every such Committee shall be submitted to the Council for their Approval.

Council may appoint Committees.

LXXI. 'And whereas divers Bodies Corporate now stand 'seised or possessed of sundry Hereditaments and Personal Estate, 'in Trust, in whole or in part, for certain charitable Trusts, and it is 'expedient that the Administration thereof be kept distinct from 'that of the Public Stock and Borough Fund;' be it enacted, That in every Borough in which the Body Corporate, or any One or more of the Members of such Body Corporate, in his or their Corporate Capacity, now stands or stand solely, or together with any Person or Persons elected solely by such Body Corporate, or solely by any particular Number, Class, or Description of Members of such Body Corporate, seised or possessed for any Estate or Interest whatsoever of any Hereditaments, or any Sums of Money, Chattels, Securities for Money, or any other Personal Estate whatsoever, in whole or in part in Trust or for the Benefit of any charitable Uses or Trusts whatsoever, all the Estate, Right, Interest, and Title, and all the Powers of such Body Corporate, or of such Member or Members of such Body Corporate, in respect of the said Uses and Trusts, shall continue in the Persons who at the Time of the passing of this Act are such Trustees as aforesaid, notwithstanding that they may have ceased to hold any Office by virtue of which before the passing of this Act they were such Trustees, until the First Day of *August* One thousand eight hundred and thirty-six, or until Parliament shall otherwise order, and shall immediately thereupon utterly cease and determine: Provided always, that if any Vacancy shall be occasioned among the charitable Trustees for any Borough before the said First Day of *August*, it shall be lawful for the Lord High Chancellor or Lords Commissioners of the Great Seal for the Time being, upon Petition, in a summary

Charitable Trustees.

Way,

Way, to appoint another Trustee to supply such Vacancy; and every Person so appointed a Trustee as last aforesaid shall be a Trustee until the Time at which the Person in the Room of whom he was chosen would regularly have ceased to be a Trustee, and he shall then cease to be a Trustee: Provided also, that if Parliament shall not otherwise direct, on or before the said First Day of *August* One thousand eight hundred and thirty-six, the Lord High Chancellor or Lords Commissioners of the Great Seal shall make such Orders as he or they shall see fit for the Administration, subject to such charitable Uses or Trusts as aforesaid, of such Trust Estates.

Council to act as Trustees where Corporators were ex officio sole Trustees.

LXXII. And be it enacted, That the Body Corporate named in the said Schedules (A.) and (B.) in conjunction with any Borough shall be Trustees for executing by the Council of such Borough the Powers and Provisions of all Acts of Parliament made before the passing of this Act, (other than Acts made for securing charitable Uses and Trusts,) and of all Trusts (other than charitable Uses and Trusts) of which the said Body Corporate, or any of the Members thereof in their Corporate Capacity, was or were sole Trustees before the Time of the First Election of Councillors in such Borough under this Act.

Council to appoint a limited Number of Councillors to be joint Trustees for certain Purposes.

LXXIII. And be it enacted, That in every Borough in which the Body Corporate, or a particular or limited Number, Class, or Description of Members of the Body Corporate, or of Persons appointed by the Body Corporate, was or were before the passing of this Act Trustees jointly with other Trustees for the Execution of any Act of Parliament, or of any Trust, or in which the Body Corporate, or any particular or limited Number, Class, or Description of Members or Nominees of the Body Corporate, by any Statute, Charter, Bye Law, or Custom, was or were before the passing of this Act lawfully appointed to or exercised any Powers, Duties, or Functions whatsoever not otherwise herein provided for, and the Continuance of which is not inconsistent with the Provisions of this Act, the Council of such Borough, on the Day named in such Act as last aforesaid, or in the Deed or Will by which such Trust is created for a new Election, Nomination, or Appointment of Trustees, or on which such new Election, Nomination, or Appointment has usually been made, (and if there shall be no such Day named or usually observed, then on the First Day of *January* in every Year,) shall appoint the like Number of Members of the Council, or as near as may be to the like Number of Members of the Council, as there were theretofore Members or Nominees of such Corporate Body who in right of their Office were such Trustees, or charged with the Execution of such Powers, Duties, and Functions, in room of the Members or Nominees of such Corporate Body ceasing to be Trustees, or ceasing to exercise such Powers, Duties, and Functions by virtue of this Act, and in every Case of extraordinary Vacancy among the Trustees or Persons so appointed by the Council shall forthwith appoint one other Member of the Council in the Room of the Person by whom such Vacancy has been made, and to hold his Trust or Office for such Time as the Person by whom such Vacancy has been made would regularly have held it.

Present Trustees of certain Acts continued for a definite Time.

LXXIV. And be it enacted, That notwithstanding any thing in this Act contained, every Member of any Body Corporate who in his Corporate Capacity, and every Nominee of any Body Corporate,

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rate, or any particular Number, Class, or Description of Members of such Body Corporate, who at the Time of the passing of this Act shall be for a definite Number of Years or other shorter Time a Trustee of such Acts or Trusts as last aforesaid, shall continue to be such Trustee until the Time when he would have ceased to be such Trustee if this Act had not passed; and if a Trustee for an indefinite Time, or for Life, or for so long as he shall be a Member, or of a particular Class or Description of such Body Corporate, then until the First Day of *January* in the Year One thousand eight hundred and thirty-six, and no longer; and every Member of the Council appointed under the Provisions of this Act to be a Trustee of such Acts or Trusts as last aforesaid shall continue to be such Trustee until the Time herein provided for the new Appointment of a Member of the Council to be Trustee in his Room, notwithstanding that he may have ceased to be a Member of the Council; and in case any particular Member or Officer of any of the said Bodies Corporate shall have been appointed by any such Act, or by any such Trust Deed or Will as last aforesaid, to perform during a definite Number of Years or other shorter Time any specific Powers, Duties, or Functions whatsoever, the Person who at the Time of the passing of this Act shall be the Person designated and qualified to perform the same shall continue to perform the same until the Time when he would have ceased to perform the same if this Act had not passed; and if appointed for an indefinite Time, or for Life, or for so long as he shall be a Member, or of a particular Class or Description of such Body Corporate, then until the First Day of *January* in the Year One thousand eight hundred and thirty-six and no longer: Provided nevertheless, that nothing in this Act shall be construed to extend to the Body Corporate of the Trustees of the *Liverpool Docks*, but that every Person who at the Time of the passing of this Act shall be a Trustee of the *Liverpool Docks*, and none other, shall be continued to be such Trustee until the First Day of *November* in the Year One thousand eight hundred and thirty-six, and no longer; and every such Trustee who is appointed to discharge, or in his Corporate Capacity discharges any Powers, Duties, or Functions whatsoever in respect of the said last-mentioned Trust Estate, and none other, shall continue to discharge the same, as if this Act had not passed, until the First Day of *November* in the Year One thousand eight hundred and thirty-six, and no longer.

Trustees not to go out of Office by reason of ceasing to be of the Council until the Time prescribed by the Terms of the Trust.

LXXXV. ' And whereas it may be expedient that the Powers now vested in the Trustees appointed under sundry Acts of Parliament for paving, lighting, cleansing, watching, regulating, supplying with Water, and improving certain Boroughs, or certain Parts thereof, should be transferred to and vested in the Councils of such Boroughs respectively; be it enacted, That the Trustees appointed by virtue of any such Act of Parliament as last aforesaid, wherein the Trustees, or the Persons whose Trustees they may be, are not beneficially interested, may, if it shall seem to them expedient, at a Meeting to be called for that Purpose, transfer in Writing under their Hands and Seals all the Powers vested in them as such Trustees by any such Act or Acts of Parliament as aforesaid to the said Body Corporate of such Borough, and the said Body Corporate of such Borough shall thenceforth be Trustee

Powers vested in Trustees may be transferred to Councillors.

*As proposed by 20021 Vest. c. 50 551-64*

Way, to appoint another Trustee to supply such Vacancy; and every Person so appointed a Trustee as last aforesaid shall be a Trustee until the Time at which the Person in the Room of whom he was chosen would regularly have ceased to be a Trustee, and he shall then cease to be a Trustee: Provided also, that if Parliament shall not otherwise direct, on or before the said First Day of *August* One thousand eight hundred and thirty-six, the Lord High Chancellor or Lords Commissioners of the Great Seal shall make such Orders as he or they shall see fit for the Administration, subject to such charitable Uses or Trusts as aforesaid, of such Trust Estates.

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LXXII. And be it enacted, That the Body Corporate named in the said Schedules (A.) and (B.) in conjunction with any Borough shall be Trustees for executing by the Council of such Borough the Powers and Provisions of all Acts of Parliament made before the passing of this Act, (other than Acts made for securing charitable Uses and Trusts,) and of all Trusts (other than charitable Uses and Trusts) of which the said Body Corporate, or any of the Members thereof in their Corporate Capacity, was or were sole Trustees before the Time of the First Election of Councillors in such Borough under this Act.

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LXXIII. And be it enacted, That in every Borough in which the Body Corporate, or a particular or limited Number, Class, or Description of Members of the Body Corporate, or of Persons appointed by the Body Corporate, was or were before the passing of this Act Trustees jointly with other Trustees for the Execution of any Act of Parliament, or of any Trust, or in which the Body Corporate, or any particular or limited Number, Class, or Description of Members or Nominees of the Body Corporate, by any Statute, Charter, Bye Law, or Custom, was or were before the passing of this Act lawfully appointed to or exercised any Powers, Duties, or Functions whatsoever not otherwise herein provided for, and the Continuance of which is not inconsistent with the Provisions of this Act, the Council of such Borough, on the Day named in such Act as last aforesaid, or in the Deed or Will by which such Trust is created for a new Election, Nomination, or Appointment of Trustees, or on which such new Election, Nomination, or Appointment has usually been made, (and if there shall be no such Day named or usually observed, then on the First Day of *January* in every Year,) shall appoint the like Number of Members of the Council, or as near as may be to the like Number of Members of the Council, as there were theretofore Members or Nominees of such Corporate Body who in right of their Office were such Trustees, or charged with the Execution of such Powers, Duties, and Functions, in room of the Members or Nominees of such Corporate Body ceasing to be Trustees, or ceasing to exercise such Powers, Duties, and Functions by virtue of this Act, and in every Case of extraordinary Vacancy among the Trustees or Persons so appointed by the Council shall forthwith appoint one other Member of the Council in the Room of the Person by whom such Vacancy has been made, and to hold his Trust or Office for such Time as the Person by whom such Vacancy has been made would regularly have held it.

Present Trustees of certain Acts continued for a definite Time.

LXXIV. And be it enacted, That notwithstanding any thing in this Act contained, every Member of any Body Corporate who in his Corporate Capacity, and every Nominee of any Body Corporate,

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rate, or any particular Number, Class, or Description of Members of such Body Corporate, who at the Time of the passing of this Act shall be for a definite Number of Years or other shorter Time a Trustee of such Acts or Trusts as last aforesaid, shall continue to be such Trustee until the Time when he would have ceased to be such Trustee if this Act had not passed; and if a Trustee for an indefinite Time, or for Life, or for so long as he shall be a Member, or of a particular Class or Description of such Body Corporate, then until the First Day of *January* in the Year One thousand eight hundred and thirty-six, and no longer; and every Member of the Council appointed under the Provisions of this Act to be a Trustee of such Acts or Trusts as last aforesaid shall continue to be such Trustee until the Time herein provided for the new Appointment of a Member of the Council to be Trustee in his Room, notwithstanding that he may have ceased to be a Member of the Council; and in case any particular Member or Officer of any of the said Bodies Corporate shall have been appointed by any such Act, or by any such Trust Deed or Will as last aforesaid, to perform during a definite Number of Years or other shorter Time any specific Powers, Duties, or Functions whatsoever, the Person who at the Time of the passing of this Act shall be the Person designated and qualified to perform the same shall continue to perform the same until the Time when he would have ceased to perform the same if this Act had not passed; and if appointed for an indefinite Time, or for Life, or for so long as he shall be a Member, or of a particular Class or Description of such Body Corporate, then until the First Day of *January* in the Year One thousand eight hundred and thirty-six and no longer: Provided nevertheless, that nothing in this Act shall be construed to extend to the Body Corporate of the Trustees of the *Liverpool Docks*, but that every Person who at the Time of the passing of this Act shall be a Trustee of the *Liverpool Docks*, and none other, shall be continued to be such Trustee until the First Day of *November* in the Year One thousand eight hundred and thirty-six, and no longer; and every such Trustee who is appointed to discharge, or in his Corporate Capacity discharges any Powers, Duties, or Functions whatsoever in respect of the said last-mentioned Trust Estate, and none other, shall continue to discharge the same, as if this Act had not passed, until the First Day of *November* in the Year One thousand eight hundred and thirty-six, and no longer.

Trustees not to go out of Office by reason of ceasing to be of the Council until the Time prescribed by the Terms of the Trust.

LXXV. ' And whereas it may be expedient that the Powers now vested in the Trustees appointed under sundry Acts of Parliament for paving, lighting, cleansing, watching, regulating, supplying with Water, and improving certain Boroughs, or certain Parts thereof, should be transferred to and vested in the Councils of such Boroughs respectively; be it enacted, That the Trustees appointed by virtue of any such Act of Parliament as last aforesaid, wherein the Trustees, or the Persons whose Trustees they may be, are not beneficially interested, may, if it shall seem to them expedient, at a Meeting to be called for that Purpose, transfer in Writing under their Hands and Seals all the Powers vested in them as such Trustees by any such Act or Acts of Parliament as aforesaid to the said Body Corporate of such Borough, and the said Body Corporate of such Borough shall thenceforth be Trustee

Powers vested in Trustees may be transferred to Councillors.

*As aforesaid*  
*by 20021 Act.*  
*c. 50 551-64*

Trustee for executing by the Council of such Borough the several Powers and Provisions of any such Act or Acts of Parliament, and the Members of the Council shall have the same Powers and be subject to the same Duties as if their Names had been originally inserted in such Act or Acts; or as if they had been elected under the Provisions of any such Act or Acts as such Trustees respectively: Provided always, that no such Transfer as aforesaid shall be made of the Powers vested by virtue of the Acts mentioned in Schedule (E.) which relate to the Town of *Cambridge*, without the Consent of the Chancellor, Masters, and Scholars of the University of *Cambridge*.

A Watch Committee to be appointed, to consist of the Mayor and Councilmen; such Committee to appoint Constables for the Borough.

LXXVI. And be it enacted, That the Council to be elected for any Borough shall, immediately after their First Election, and so from Time to Time thereafter as they shall deem expedient, appoint, for such Time as they may think proper, a sufficient Number of their own Body, who, together with the Mayor of the Borough for the Time being, shall be and be called the Watch Committee for such Borough; and all the Powers herein-after given to such Committee may be executed by the Majority of those who shall be present at any Meeting of such Committee, the whole Number present at such Meeting being not less than Three; and such Watch Committee shall, within Three Weeks after their First Formation, and so from Time to Time thereafter as Occasion shall require, appoint a sufficient Number of fit Men who shall be sworn in before some Justice of the Peace having Jurisdiction within the Borough to act as Constables for preserving the Peace by Day and by Night, and preventing Robberies and other Felonies, and apprehending Offenders against the Peace; and the Men so sworn shall not only within such Borough, but also within the County in which such Borough or Part thereof shall be situated, and also within every County being within Seven Miles of any Part of such Borough, and also within all Liberties in any such County, have all such Powers and Privileges, and be liable to all such Duties and Responsibilities, as any Constable duly appointed now has or hereafter may have within his Constablewick by virtue of the Common Law of this Realm, or of any Statutes made or to be made, and shall obey all such lawful Commands as they may from Time to Time receive from any of the Justices of the Peace having Jurisdiction within such Borough, or within any County in which they shall be called on to act as Constables, for conducting themselves in the Execution of their Office.

Constables to be for the County, &c. as well as Borough.

Watch Committee to make Regulations for the Management of the Constables.

LXXVII. And be it enacted, That the Watch Committee for any such Borough as aforesaid may from Time to Time frame such Regulations as they shall deem expedient for preventing Neglect or Abuse, and for rendering such Constables efficient in the Discharge of their Duties; and the said Committee, or any Two Justices of the Peace having Jurisdiction within the Borough, may at any Time suspend or dismiss any Constable whom they shall think negligent in the Discharge of his Duty, or otherwise unfit for the same; and when any Man shall be so dismissed, or cease to belong to the said Constabulary Force, all Powers vested in him as a Constable by virtue of this Act shall immediately cease; and no Man so dismissed as aforesaid shall be re-appointed without the Consent of Two of the Justices of the Peace having Jurisdiction within the Borough.

LXXVIII. And

LXXVIII. And be it enacted, That it shall be lawful for any Constable during the Time of his being on Duty to apprehend all idle and disorderly Persons whom he shall find disturbing the public Peace, or whom he shall have just Cause to suspect of Intention to commit a Felony, and to deliver any Person so apprehended into the Custody of the Constable appointed under this Act, who shall be in attendance at the nearest Watch-house, in order that such Person may be secured until he can be brought before a Justice of the Peace to be dealt-with according to Law, or may give Bail for his Appearance before a Justice of the Peace, if the Constable shall think fit to take Bail, in the Manner herein-after mentioned.

Power to Constables to apprehend disorderly Persons, &c.

LXXIX. And be it enacted, That where any Person charged with any petty Misdemeanor shall be brought without the Warrant of a Justice of the Peace into the Custody of any Constable appointed under this Act, during his Attendance in the Night-time at any Watch-house within any such Borough as aforesaid, it shall be lawful for such Constable, if he shall think fit, to take Bail by Recognizance, without any Fee or Reward, from such Person, conditioned that such Person shall appear for Examination within Two Days before a Justice of the Peace within the Borough at some Time and Place to be specified in the Recognizance; and every Recognizance so taken shall be of equal Obligation on the Parties entering into the same, and liable to the same Proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace; and the Constable shall enter in a Book, to be kept for that Purpose in every Watch-house, the Names, Residence, and Occupation of the Party, and his Surety or Sureties, if any, entering into such Recognizance, together with the Condition thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the Time and Place when and where the Party is required to appear; and if the Party does not appear at the Time and Place required, or within One Hour after, the Justice shall cause a Record of the Recognizance to be drawn up to be signed by the Constable, and shall return the same to the next General or Quarter Sessions of the Peace for the Borough, or for the County in which such Borough is situate, in those Boroughs for which there shall be no separate General or Quarter Sessions of the Peace, with a Certificate at the Back thereof, signed by such Justice, that the Party has not complied with the Obligation therein contained; and the Clerk of the Peace shall make the like Estreats and Schedules of every such Recognizance as of Recognizances forfeited in the Sessions of the Peace; and if the Party not appearing shall apply by any Person on his Behalf to postpone the hearing of the Charge against him, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the Recognizance to such further Time as he shall appoint; and when the Matter shall be heard and determined, either by the Dismissal of the Complaint or by binding the Party over to answer the Matter thereof at the Sessions, or otherwise, the Recognizance for the Appearance of the Party before a Justice shall be discharged without Fee or Reward.

Constables attending at the Watch-houses in the Night may take Bail by Recognizance from Persons brought before them for petty Misdemeanors, such Recognizance to be conditioned for the Appearance of the Parties before a Magistrate.

In default of Appearance Recognizance to be forfeited.

Time of hearing may be postponed.

LXXX. And be it enacted, That if any Constable of any Borough shall be guilty of any Neglect of Duty or of any Disobedience of any lawful Order, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence

Penalties on Constables for Neglect of Duty.



be liable to be imprisoned for any Time not exceeding Ten Days, or to be fined in any Sum not exceeding Forty Shillings, or to be dismissed from his Office, as such Justices shall in their Discretion think meet.

Penalty for Assaults on Constables.

LXXXI. And be it enacted, That if any Person shall assault or resist any Constable of any Borough appointed under this Act in the Execution of his Duty, or shall aid or incite any Person so to assault or resist, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum not exceeding Five Pounds as the said Justices shall think meet: Provided always, that nothing herein contained shall prevent any Prosecution by way of Indictment against any Person so offending, but so as that such Person shall not be prosecuted by Indictment and also proceeded against under this Act for the same Offence.

Proviso.

Regulation and Payment of Expences.

LXXXII. And be it enacted, That the Treasurer of every Borough appointed under this Act shall pay to the Constables of such Borough appointed under this Act such Salaries, Wages, and Allowances, and at such Periods, as the Watch Committee for such Borough shall, subject to the Approbation of the Council, direct, and the Council shall order to be paid also any Extraordinary Expences which such Persons shall appear to have necessarily incurred in apprehending Offenders and executing the Orders of any Justice of the Peace having Jurisdiction within such Borough, such Expences having been first examined and approved by such Justice; and the said Treasurer shall also pay such further Sums as the Watch Committee shall, subject to the Approbation of the Council, award to any of the Persons belonging to the said Constabulary Force, as a Reward for extraordinary Diligence or Exertion, or as a Compensation for Wounds or severe Injuries received in the Performance of their Duty, or as an Allowance to such of them as shall be disabled by bodily Injury received, or shall be worn out by Length of Service, and all other Charges and Expences which the Watch Committee shall, subject to the Approbation of the Council, direct to be paid for the Purposes of the Constabulary Force under this Act.

Rewards for Activity, &c.

Magistrates to appoint annually a certain Number of Persons to act as Special Constables.

LXXXIII. And be it enacted, That any Two or more of the Justices of the Peace having Jurisdiction within any Borough are hereby authorized and required in the Month of *October* in every Year to nominate and appoint by Precept in Writing, under their Hands, so many as they shall think fit of the Inhabitants of such Borough (not legally exempt from serving the Office of Constable), to act as Special Constables within such Borough whensoever they shall be required by the Warrant of any of the Justices of the Peace having Jurisdiction within such Borough so to act, and not otherwise; and every such Warrant shall recite that in the Opinion of the Justice granting the same the ordinary Police Force of the Borough is insufficient at that Time to maintain the Peace of the Borough; and every Person so appointed a Special Constable shall take the Oath set forth in the Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His present Majesty, intituled *An Act for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace*, and shall have the Powers and Immunities and be liable to the Duties and

and Penalties enacted by the said last-mentioned Act; and every Person so appointed a Special Constable shall receive, out of the Borough Fund, for every Day during which he shall be called out to act as such, the Sum of Three Shillings and Sixpence, and no more.

Payment of  
Special Con-  
stables.

LXXXIV. And be it enacted, That as soon as Constables shall have been appointed by the Watch Committee for any Borough, a Notice, signed by the Mayor of such Borough, specifying the Day on which such Constables shall begin to act, shall be fixed on the Door of the Town Hall and every Church within such Borough; and on the Day so specified in such Notice so much of all Acts named in conjunction with such Borough in the Schedule (E.) to this Act annexed, and of all Acts made before the passing of this Act, as relates to the Appointment, Regulation, Powers, and Duties, or to the Assessment or Collection of any Rate to provide for the Expences of any Watchmen, Constables, Patrol, or Police for any Place situated within such Borough, shall cease and determine; and all Watch-houses and Watchboxes in any such Place, and all Arms, Accoutrements, and other Necessaries provided at the Public Expence for any Watchmen, Constables, Patrol, or Police therein, shall be given up to such Persons as shall be named by the said Mayor in such Notice, for the Use and Accommodation of the Constables to be appointed under this Act, and all the Property so to be given up shall be deemed to belong to the Body Corporate of such Borough; and in case any Person having the Charge, Control, or Possession of any Watch-house, Watchbox, Arms, Accoutrements, or Necessaries as aforesaid shall neglect or refuse to give up the same as herein-before required, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay, over and above the Value of the Property not given up, such Sum not exceeding Five Pounds as the said Justices shall think meet; and where there shall be any Building in any such Place as aforesaid, a Part only of which Building shall have been heretofore used as a Watch-house, such Part shall be given up every Day, from the Hour of Four in the Afternoon until the Hour of Nine in the Forenoon, for the Use and Accommodation of the Constables to be appointed under this Act; and if any Person having the Charge, Control, or Possession of any such Building shall neglect or refuse to give up such Part thereof for the Purposes aforesaid, or to permit free Access thereto or Egress therefrom during any Portion of the Time above prescribed, every such Offender, being convicted thereof before any Two Justices of the Peace, shall for every such Offence forfeit and pay such Sum not exceeding Five Pounds as the said Justices shall think meet: Provided nevertheless, that in every Case in which before the passing of this Act a Rate might be levied in any Borough for the Purpose of watching, conjointly with any other Purpose, nothing in this Act contained shall be construed to prevent the levying and collecting of such Rate for such other Purpose solely, or to repeal the Powers given in any Act so far as the same relate to such other Purpose: Provided always, that where the Amount of such Rate before the passing of this Act might not exceed a given Rate in the Pound on the Value of Property rateable thereunto, the Rate so to be levied for such other Purpose solely shall not exceed such Proportion of the said given

On Notice of  
Appointment of  
Constables, the  
present Pro-  
visions in Local  
Acts as to  
watching, &c.  
to cease.

Watchboxes,  
Arms, &c. to be  
given up for  
their Use.

Penalty for not  
giving them up.

Rate in the Pound as shall appear to have been expended for such Purpose other than watching by an Account of the average yearly Expenditure during the last Seven Years, or where such Rate shall not have been levied during Seven Years, then during such less Number of Years as such Rate shall have been levied.

Proviso as to Rates in arrear, and as to Debts.

LXXXV. Provided always, and be it enacted, That any Rate for defraying the Expences of any Watchmen, Constables, Patrol, or Police in any such Place as aforesaid, made previously to the Day specified in such Notice as aforesaid, shall be levied and collected in the same Manner as if this Act had not been passed: Provided also, that nothing herein contained shall prevent the levying and collecting of any Rate in any such Place as aforesaid for the Purpose of paying any Debt contracted before the passing of this Act, or the Interest of any such Debt, but that such Rate shall and may be levied and collected in the same Manner as if this Act had not been passed.

Watch Committee to transmit a Report quarterly to the Secretary of State, and also a Copy of their Rules, &c.

LXXXVI. And be it enacted, That the Watch Committee of every such Borough shall, on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October* in every Year, transmit to one of His Majesty's Principal Secretaries of State a Report of the Number of Men appointed to act as Constables or Policemen in such Borough, and of the Description of Arms, Accoutrements, and Clothing, and other Necessaries furnished to each Man, and of the Salaries, Wages, and Allowances payable to such Constables or Policemen, and of the Number and Situation of all Station Houses in such Borough; and also a Copy of all Rules, Orders, and Regulations which shall from Time to Time be made by such Watch Committee or by the Council of such Borough for the Regulation and Guidance of such Constables or Policemen.

Power for Council to order Parts of a Borough not within a Local Act as to lighting to be included in such Act.

LXXXVII. ' And whereas Parts of certain Boroughs are within the Provisions of One or more Local Act or Acts for regulating the lighting thereof, and certain other Parts of the same Boroughs are not within the Provisions of any Local Act for regulating the lighting thereof, and for Want of such lighting the Efficiency of the Constables may be much diminished, and great Facilities afforded for the Commission of Crimes and for the Escape of Offenders; for Remedy thereof be it enacted, That it shall be lawful for the Council of any Borough in any Part of which there is a Local Act for the lighting thereof to make an Order that any Part of such Borough not being within the Provisions of any Local Act for the lighting thereof shall, from and after a certain Day to be named in such Order, be taken to be within the Provisions of such Local Act or Acts for lighting any Part of such Borough as the Common Council shall specify in such Order; and after such Day the Part named in such Order shall be within the Provisions of the Act or Acts so specified, so far as relates to lighting, or to any Rates authorized to be levied for the Purpose of lighting, as fully as if such Part had been originally named in such Act or Acts, any thing in such Act or Acts to the contrary notwithstanding: Provided always, that every Part named in such Order shall be lighted in the like Manner as those Parts which before the making of such Order were within the Provisions of such Local Act, and that the Rate to be raised for the Purpose of defraying the Expences of lighting any Part so named in such Order shall not exceed the

Proviso as to Amount of Rate for lighting.

Average

Average Expence in the Pound of the lighting of the other Parts of such Borough.

LXXXVIII. And be it enacted, That if the Council of any Borough chosen under this Act shall, by public Notice to be affixed on the outer Door of the Town Hall, or in some public Place within the Borough, declare that on a certain Day, to be named in such Notice, not less than Twenty-one Days after the Day on which such public Notice shall have been given, they will take upon themselves the Powers given to the Inspectors named in a certain Act made in the Third and Fourth Year of His present Majesty, intituled *An Act to repeal an Act of His late Majesty King George the Fourth, for the lighting and watching of Parishes in England and Wales, and to make other Provisions in lieu thereof*, so far as the same relates to the lighting the Whole or any Part of any Borough which is not within the Provisions of any Local Act, or in which there is no Power of levying Rates for lighting the same, the Council of such Borough shall, after the Day named in such Notice, have the same Powers and Duties as belong to Inspectors under the said last-recited Act in regard to lighting, and to levying Rates for the Purpose of lighting such Part of the Borough, except so far as the same are contrary to or inconsistent with the Provisions of this Act; and in such Case the Council shall have the sole Power to fix and determine the Amount of Money which they will call for in any One Year for the Purpose of lighting such Part of the Borough, so that such Sum shall not exceed the Rate of Sixpence in the Pound on the full and fair annual Value of all Property rateable to the Relief of the Poor within such Part of the Borough: Provided also, that it shall not be lawful in such Case for the Inhabitants of such Part of the Borough at any Time to determine that the Provisions of the said recited Act shall cease to be acted upon.

Council may assume the Powers of Inspectors under 3 & 4 W. 4. c. 90. for lighting any Part of the Borough not within a Local Act for lighting the same.

LXXXIX. Provided always, and be it enacted, That nothing herein contained shall be construed to interfere with the watching, paving, or lighting, and internal Regulations established for the Government and Security of any of His Majesty's Dockyards, Victualling Establishments, Arsenals, and Barracks respectively; nor shall any of the Tenements within the said Dockyards, Victualling Establishments, Arsenals, or Barracks, or the Inhabitants of the same, be liable to be assessed to the Rates for watching, paving, or lighting the other Parts of the City, Borough, or Parish within which the same may be respectively situated, unless such Tenements or the Inhabitants thereof are now or may hereafter become liable to be assessed to any such Rates made under or by virtue of any Law or Statute now in force; nor shall any thing herein contained extend to defeat or affect the Authority of Justices of the Peace which by an Act passed in the Second Year of His present Majesty's Reign, intituled *An Act to amend the Laws relating to the Business of the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments*, is vested in the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, and in the Superintendents of the several Dockyards and other Naval and Victualling Establishments, in all Places and in all Matters relating to His Majesty's Naval Service, and to the Stores, Provisions, Ammunition, and Accounts thereof.

Act not to interfere with the Regulations for the Government, &c. of Dockyards, Arsenals, &c.

2 & 3 W. 4. c. 40.

Council to have  
Power to  
make Bye Laws.

XC. And be it enacted, That it shall be lawful for the Council of any Borough to make such Bye Laws as to them shall seem meet for the good Rule and Government of the Borough, and for Prevention and Suppression of all such Nuisances as are not already punishable in a summary Manner by virtue of any Act in force throughout such Borough, and to appoint by such Bye Laws such Fines as they shall deem necessary for the Prevention and Suppression of such Offences; provided that no Fine so to be appointed shall exceed the Sum of Five Pounds, and that no such Bye Law shall be made unless at least Two Thirds of the whole Number of the Council shall be present; provided that no such Bye Law shall be of any Force until the Expiration of Forty Days after the same or a Copy thereof shall have been sent, sealed with the Seal of the said Borough, to One of His Majesty's Principal Secretaries of State, and shall have been affixed on the outer Door of the Town Hall or in some other public Place within such Borough; and if at any Time within the said Period of Forty Days His Majesty, with the Advice of His Privy Council, shall disallow the same Bye Law or any Part thereof, such Bye Law or the Part thereof disallowed shall not come into operation: Provided also, that it shall be lawful for His Majesty, if He shall think fit, at any Time within the said Period of Forty Days, to enlarge the Time within which such Bye Law, if disallowed, shall not come into force; and no such Bye Law shall in that Case come into force until after the Expiration of such enlarged Time.

As to Breaches  
of Bye Laws.

XCI. And be it enacted, That all the Provisions herein-after contained relative to Offences against this Act punishable upon summary Conviction shall be taken to apply to all Offences committed in breach of any Bye Law or Regulation made by virtue of this Act.

All Corporate  
Property and all  
Fines received  
to be carried  
to the Account  
of the Borough  
Fund.

XCII. And be it enacted, That after the Election of the Treasurer in any Borough the Rents and Profits of all Hereditaments, and the Interest, Dividends, and annual Proceeds of all Monies, Dues, Chattels, and valuable Securities belonging or payable to any Body Corporate named in conjunction with the said Borough in the said Schedules (A.) and (B.), or to any Member or Officer thereof in his Corporate Capacity, and every Fine or Penalty for any Offence against this Act (the Application of which has not been already provided for), shall be paid to the Treasurer of such Borough; and all the Monies which he shall so receive shall be carried by him to the Account of a Fund to be called "The Borough Fund;" and such Fund, subject to the Payment of any lawful Debt due from such Body Corporate to any Person, which shall have been contracted before the passing of this Act, and unredeemed, or of so much thereof as the Council of such Borough from Time to Time shall be required or shall deem it expedient to redeem, and to the Payment from Time to Time of the Interest of so much thereof as shall remain unredeemed, and saving all Rights, Interests, Claims, or Demands of all Persons or Bodies Corporate in or upon the Real or Personal Estate of any Body Corporate by virtue of any Proceedings either at Law or in Equity which have been already instituted or which may be hereafter instituted, or by virtue of any Mortgage or otherwise, shall be applied towards the Payment of the Salary of the Mayor, and of the Recorder and of the Police Magistrate herein-after mentioned when there is a Recorder or Police

Payment of  
Debts, &c.  
Salaries of  
Recorder,  
Town Clerk,  
Treasurer, and  
other Officers,  
and Election  
Expenses to be  
paid out of  
such Fund.

Magistrate, and of the respective Salaries of the Town Clerk and Treasurer, and of every other Officer whom the Council shall appoint, and also toward the Payment of the Expences incurred from Time to Time in preparing and printing Burgess Lists, Ward Lists, and Notices, and in other Matters attending such Elections as are herein mentioned, and, in Boroughs which shall have a separate Court of Sessions of the Peace, as is herein-after provided, towards the Expences of the Prosecution, Maintenance, and Punishment of Offenders, and towards such other Sum to be paid by such Borough to the Treasurer of such County as is herein-after provided, and towards the Expence of maintaining the Borough Gaol, House of Correction, and Corporate Buildings, and towards the Payment of the Constables, and of all other Expences not herein otherwise provided for which shall be necessarily incurred in carrying into effect the Provisions of this Act; and in case the Borough Fund shall be more than sufficient for the Purposes aforesaid, the Surplus thereof shall be applied, under the Direction of the Council, for the public Benefit of the Inhabitants and Improvement of the Borough; provided that it shall not be lawful for the Council to be elected under the Provisions of this Act, in any Borough in which the Body Corporate named in conjunction with the said Borough in the said Schedules (A.) and (B.), before the Time of the passing of this Act shall have contracted any lawful Debt chargeable on any Tolls or Dues belonging or payable to the said Body Corporate, or to any Member or Officer thereof in his Corporate Capacity, or towards the Satisfaction whereof such Tolls or Dues or any Part thereof were applicable before the passing of this Act, to alter or reduce the Amount to be levied and payable of such Tolls or Dues, or to grant for any Consideration any Remission of or Exemption from such Tolls or Dues or any Part thereof, unless with the Consent in Writing under the Hands of a Majority in Number and Amount of the Creditors to whom such Debt is due, until after such Debt and all Arrears of Interest due thereon shall have been fully paid and satisfied; and in case the Borough Fund shall not be sufficient for the Purposes aforesaid, the Council of the Borough is hereby authorized and required from Time to Time to estimate, as correctly as may be, what Amount, in addition to such Fund, will be sufficient for the Payment of the Expences to be incurred in carrying into effect the Provisions of this Act; and in order to raise the Amount so estimated the said Council is hereby authorized and required from Time to Time to order a Borough Rate in the Nature of a County Rate to be made within their Borough, and for that Purpose the Council of such Borough shall have within their Borough all the Powers which any Justices of the Peace assembled at their General or Quarter Sessions in any County in *England* have within the Limits of their Commission by virtue of an Act made in the Fifty-fifth Year of His late Majesty King *George* the Third, intituled *An Act to amend an Act of His late Majesty King George the Second, for the more easy assessing, collecting, and levying of County Rates*, or as near thereto as the Nature of the Case will admit, except as is herein-after excepted; and all Warrants required by the said Act to be issued under the Hands and Seals of Two or more Justices shall in like Case be signed by the Mayor, and sealed with the Seal

Application  
Surplus.

If the Fund be  
insufficient,  
the Council  
shall order a  
Rate to make up  
the Deficiency.

55 G. 3. c. 51.

of the Borough ; provided that such Council shall not be empowered to receive, hear, or determine any Appeal against any such Rate : and if any Person shall think himself aggrieved by any such Rate it shall be lawful for him to appeal to the Recorder herein-after mentioned at the next Quarter Sessions for the Borough in which such Rate has been made, or in case there shall be no Recorder within such Borough, to the Justices at the next Court of Quarter Sessions for the County within which such Borough is situate or whereunto it is adjacent ; and such Recorder or Justices respectively shall have Power to hear and determine the same, and to award Relief in the Premises, as in the Case of an Appeal against any County Rate ; and all such Sums levied in pursuance of such Borough Rate shall be paid over to the Account of the Borough Fund, and, subject to the Provisions herein-before contained, shall be applied to all Purposes to which before the passing of this Act a Borough Rate or County Rate was by Law applicable in such Borough or County : Provided that in every Case in which before the passing this Act any Rate might be levied in any Borough, or in any Parish or Place made Part of any Borough under the Provisions of this Act, for the Purpose of watching solely by Day or by Night, or for the Purpose of watching by Day or by Night conjointly with any other Purpose, it shall be lawful for the Council of such Borough to levy a Watch Rate sufficient to raise any Sum not greater than the average yearly Sum which during the last Seven Years, or where such Rate shall not have been levied during Seven Years then during such less Number of Years as such Rate shall have been levied, shall have been expended in the Maintenance and Establishment of Watchmen, Constables, Patrol, or Policemen within the District in which such Rate was levied, and for that Purpose the Council shall have all the Powers herein-before given to the Council in the Matter of the Borough Rate ; and where any Part of any Borough shall not at the Time of the passing of this Act be within the Provisions of the Act authorizing the Levy of such Rate for watching as aforesaid it shall be lawful for the Council from Time to Time to order that such Part, or so much thereof as to the Council shall seem fit, shall be rated to the Watch Rate in like Manner as other Parts of the Borough to be specified in such Order, and such Watch Rate thereupon shall be levied within the Part mentioned in such Order in like Manner as in the other Parts of the Borough so specified, and all such Sums levied in pursuance of such Watch Rate shall be paid over to the Account of the Borough Fund : Provided always, that no such Order as last aforesaid shall be made for rating to such Watch Rate any Part of any Borough in which at the Time of passing this Act such Rate as aforesaid shall not be levied, and which is more than Two hundred Yards distant from any Street or continuous Line of Houses which shall be regularly watched within the Borough under the Provisions of this Act : Provided also, that nothing in this Act contained shall be construed to render liable to the Payment of any Debt contracted before the passing of this Act by any Body Corporate any Part of the Real or Personal Estate of the said Body Corporate which before the passing of this Act was not liable thereto, or to authorize the Levy of any Rate within any Part of any Borough for the Purpose of paying any Debt contracted before the passing of this Act which before

before the passing of this Act could not lawfully be levied therein towards the Payment of the same.

XCIII. And be it enacted, That the Treasurer of every Borough shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid, and of the several Matters for which such Sums shall have been received and paid; and the Books containing the Accounts shall at all seasonable Times be open to the Inspection of any of the Aldermen or Councillors of such Borough; and all the Accounts, with all Vouchers and Papers relating thereto, shall, in the Months of *March* and *September* in every Year, be submitted by the Treasurer of the Borough to the Auditors herein-before provided to be elected, and to such Member of the Council as the Mayor shall name on the First Day of *March* in every Year, or in case of extraordinary Vacancy within Ten Days next after such Vacancy, for the Purpose of being examined and audited, from the First Day of *September* in the Year preceding to the First Day of *March*, and from the First Day of *March* to the First Day of *September* in the Year in which the said Auditors were elected and named, and if the said Accounts shall be found to be correct, the Auditors shall sign the same; and after such Accounts shall have been so examined and audited in the Month of *September* in every Year, the Treasurer shall make out in Writing, and shall cause to be printed, a full Abstract of his Accounts for the Year, and a Copy thereof shall be open to the Inspection of all the Rate-payers of such Borough, and Copies thereof shall be delivered to all Rate-payers of such Borough applying for the same, on Payment of a reasonable Price for each Copy.

Accounts of Receipts and Disbursements to be kept, audited, and published.

XCIV. And be it enacted, That it shall not be lawful for the Council of any Body Corporate to be elected under this Act to sell, mortgage, or alienate the Lands, Tenements, or Hereditaments of the said Body Corporate, or any Part thereof, except in pursuance of some Covenant, Contract, or Agreement *bond fide* made or entered into on or before the Fifth Day of *June* in this present Year, by or on behalf of the Body Corporate of any Borough, or of some Resolution duly entered in the Corporation Books of such Body Corporate on or before the said Fifth Day of *June*, or to demise or lease, except in pursuance of some Covenant, Contract, or Agreement *bond fide* made or entered into on or before the said Fifth Day of *June* by or on the Behalf of such Body Corporate, or in pursuance of some Resolutions duly entered in the Corporation Books of such Body Corporate on or before the said Fifth Day of *June*, or except in the Cases herein-after mentioned, any Lands, Tenements, or Hereditaments of such Body Corporate, or any Part thereof, or to enter into any new Covenant, Contract, or Agreement (except in the Cases herein-after mentioned) for demising or leasing any such Lands, Tenements, or Hereditaments, or any Part thereof, for any Term exceeding Thirty-one Years from the Time when such Lease shall be made, or if made in pursuance of a previous Agreement, then from the Time when such Agreement shall have been entered into; and in every Lease which the said Council is not hereby restrained from making there shall (except in the Cases herein-after mentioned) be reserved and made payable during the whole of the Term thereby granted such clear yearly Rent as to the Council shall appear reasonable, without taking any Fine for the same: Provided nevertheless,

Power of Sale and leasing restrained.



nevertheless, that in every Case in which such Council shall deem it expedient to sell and alienate or to demise and lease for a longer Term than Thirty-one Years, or upon different Terms and Conditions than those herein-before mentioned, any of the said Lands, Tenements, or Hereditaments, it shall be lawful for such Council to represent the Circumstances of the Case to the Lords Commissioners of His Majesty's Treasury; and it shall be lawful for such Council, with the Approbation of the said Lords Commissioners or any Three of them, to sell, alienate, and demise any of the Lands, Tenements, and Hereditaments of the said Body Corporate in such Manner and on such Terms and Conditions as shall have been approved by the said Lords Commissioners: Provided always, that Notice of the Intention of the Council to make such Application as aforesaid shall be fixed on the outer Door of the Town Hall, or in some public and conspicuous Place within the Borough, One Calendar Month at least before such Application; and a Copy of the Memorial intended to be sent to the said Lords Commissioners shall be kept in the Town Clerk's Office during such Calendar Month, and shall be freely open to the Inspection of every Burgess at all reasonable Hours during the same.

The Council of any Borough under this Act authorized to renew Leases, &c.

XCV. Provided always, and be it enacted, That in all Cases in which any Body Corporate shall on the Fifth Day of *June* in this present Year have been bound or engaged by any Covenant or Agreement, express or implied, or have been enjoined by any Deed, Will, or other Document, or have been sanctioned or warranted by ancient Usage or by Custom or Practice, to make any Renewal of any Lease for Years, or for Life or Lives, or for Years determinable with any Life or Lives at any fixed or determinate or known or accustomed Period, or after the Lapse of any Number of Years, or on the dropping of any Life or Lives, and Years determinable after the Lapse of any Number of Years, at a Fine certain or under any special or specific Terms or Conditions, and also in all Cases in which any Body Corporate shall theretofore have ordinarily made Renewal of any Lease for Years, or for Life or Lives, or for Years determinable with any Life or Lives at any fixed or determinate or known or accustomed Period, or after the Lapse of any Number of Years, or upon the dropping of any Life or Lives, upon the Payment of an arbitrary Fine, it shall be lawful for the Council of such Borough to renew such Lease for such Term or Number of Years, either absolutely or determinable with any Live or Lives, or for such Life or Lives, and at such Rent, and upon the Payment of such Fine or Premium, either certain or arbitrary, and with or without any Covenant for the future Renewal thereof, as such Body Corporate could or might have done in case this Act had not been passed.

Leases of certain Buildings, and of Ground for building on, or for making Gardens, &c. may be made for Seventy-five Years.

XCVI. Provided nevertheless, and be it enacted, That in any of the Instances herein-after mentioned it shall be lawful for the Council from Time to Time to demise and lease, or to enter into any Contract or Agreement for demising and leasing, any of the said Lands, Tenements, or Hereditaments, to any Person, Body Politic, Corporate, or Collegiate, for any Term not exceeding Seventy-five Years from the Time of making such Lease or Agreement; (that is to say,) of Tenements or Hereditaments the greater Part of the yearly Value of which shall at the Time of making the Lease or Agreement consist of any Building or Buildings, of Land  
or

or Ground proper for the Erection of any Houses or other Buildings thereupon, with or without Gardens, Yards, Curtilages, or other Appurtenances to be used therewith, and, where the Lessee or intended Lessee shall covenant or agree to erect a Building or Buildings thereon of greater yearly Value than such Land or Ground, of Land or Ground proper for Gardens, Yards, Curtilages, or other Appurtenances to be used with any other House or other Building erected or to be erected on any such Ground, belonging either to such Body Corporate or to any other Proprietor, or proper for any other Purpose calculated to afford Convenience or Accommodation to the Occupiers of any such House or Building.

XCVII. And be it enacted, That it shall be lawful for the Council first to be elected in any Borough under the Provisions of this Act to call in question all Purchases, Sales, Leases, and Demises not made in pursuance of some such *bonâ fide* Covenant, Contract, Agreement, or Resolution made or entered into as aforesaid before the said Fifth Day of *June*, and all Contracts for the Purchase, Sale, Lease, or Demise of any Lands, Tenements, and Hereditaments, and all Divisions and Appropriations of the Monies, Goods, and valuable Securities, or any Part of the Real or Personal Estate, of which on or before the Fifth Day of *June* in this present Year the Body Corporate of which they are the Council, whether in their own Right or as Trustees for charitable or other Purposes, was seised or possessed, which shall have been made or contracted between the said Fifth Day of *June* and the Day of the Declaration of their Election; and for that Purpose, if it shall appear to the said Council that there is Ground for believing that any such Purchase, Sale, Lease, or Demise, or such Contract, or such Division or Appropriation of the Premises, was collusively made for no Consideration, or for an inadequate Consideration, it shall be lawful for the Council of such Borough, at any Time within Six Calendar Months next after the First Election of Councillors under this Act shall have been declared in such Borough, upon Notice of their Intention being first given in the *London Gazette*, and also affixed on the outer Door of the Town Hall or in some public Place within the Borough, to cause the Value of the Lands, Tenements, Hereditaments, and Premises in question to be inquired of and found by a Jury of Twelve indifferent Men of the County in which, or adjoining to which in the Case of *Berwick-upon-Tweed*, and of all Counties of Cities and Towns Corporate, such Lands, Tenements, Hereditaments, or Premises do lie; and in order thereto the said Council is empowered to summon and call before such Jury all Persons having the Custody and Possession of any Deed or Agreement concerning the said Lands, Tenements, Hereditaments, and Premises made or entered into since the said Fifth Day of *June*, and to cause all such Deeds and Agreements to be produced before the said Jury, and examined by them, and to examine upon Oath every Person who shall be thought necessary to be examined (which Oath the Mayor is hereby empowered to administer); and the Council shall, by ordering a View or otherwise, use all lawful Means for the Information as well of themselves as of the said Jury in the Premises; and the Jury shall find the Value of the said Lands, Tenements, Hereditaments, and Premises, and the Consideration which shall have been given, and also that which ought of  
Right

Collusive Purchases, Sales, and Demises of Corporate Property since the 5th June 1835, for undue Consideration, may be set aside.

Right to have been given, for the Purchase, Sale, Lease, Demise, or Appropriation thereof, according to the Terms of such Purchase, Sale, Lease, Demise, Contract, or Appropriation, and taking into account all the Circumstances under which the same shall have taken place; and if the Jury by their Oaths shall find that no Consideration, or a Consideration less than that which they shall have so found to be the Value which ought therefore to have been given, shall have been collusively given or contracted to be given by the Terms of any such Purchase, Sale, Lease, Demise, Contract, or Appropriation, the Party to such Purchase, Sale, Lease, Demise, Contract, or Appropriation shall have his Option either to re-convey and restore the Lands, Tenements, Hereditaments, and Premises in question, and to abandon the Contract to which he shall have been Party, upon Receipt in each Case of the Consideration, if any, which he shall have given for the same, or to give therefore in each Case such additional Consideration so that the whole Consideration given shall be that which ought of Right to have been given, so found by the Jury as aforesaid; and in every such Case as last aforesaid the additional Consideration given or to be given shall be endorsed on the original Deed or Conveyance; and unless he shall so do within One Calendar Month next after the Finding of the Jury every such Purchase, Sale, Lease, Demise, Contract, and Conveyance shall be absolutely void and of none Effect as against the said Body Corporate and their Successors; and in every Case in which any such Contract shall have been abandoned as aforesaid, or in which any such Purchase, Sale, Lease, Demise, Contract, or Conveyance shall become void and of none Effect, under the Provisions of this Act, the Party who would otherwise have had the Benefit of the same shall be remitted to his former Estate, Title, and Interest (if any) in the Premises as if no such Contract, Purchase, Sale, Lease, or Demise had been made or entered into; and for summoning and returning such Juries, and for imposing Fines on the Sheriff, his Deputy, Bailiff, or Agent, and on the Persons summoned and returned on the said Jury, and on any Person required to give Evidence, who shall in this Behalf contravene the Provisions of this Act, the Council of every such Borough shall have all the Powers given in that Behalf to the Trustees or Commissioners of any Turnpike Road by an Act made in the Third Year of His late Majesty *George* the Third, intituled *An Act to amend the General Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*; and all the Costs of the said Jury, and of all Witnesses tendered by the said Council to be examined before the said Jury, shall in every Case be borne by the Council, and paid out of the Borough Fund: Provided nevertheless, that it shall be lawful for His Majesty, if He shall think fit, by the Advice of His Privy Council, upon Petition to Him setting forth the special Circumstances under which any Purchase, Sale, Lease, Demise, Contract, or Appropriation of any of the said Lands, Tenements, Hereditaments, and Premises shall have been made since the said Fifth Day of *June*, to order that the same shall not be called in question under the Provisions of this Act; and in such Case as last aforesaid the same shall not be called in question or set aside or affected under the Provisions of this Act: Provided always, that in every Case in which such Petition shall

shall have been presented it shall be lawful for His Majesty, if He shall think fit, to enlarge the Time within which (in case His Majesty shall not think fit to make such Order as aforesaid) the Council may have Power as aforesaid to call in question any Purchase, Sale, Lease, Demise, Contract, or Appropriation referred to in such Petition.

XCVIII. And be it enacted, That it shall be lawful for His Majesty from Time to Time to assign to so many Persons as He shall think proper His Majesty's Commission to act as Justices of the Peace in and for each Borough, and in and for each of the Counties of Cities and Towns respectively named in the said Schedule (A.), and in and for such of the Boroughs in the said Schedule (B.) to which His Majesty may be pleased upon the Petition of the Council thereof to grant a Commission of the Peace: Provided nevertheless, that every Person so to be assigned shall reside within the Borough for which he shall be so assigned, or within Seven Miles of such Borough, or of some Part thereof, during such Time as he shall act as a Justice of the Peace in and for such Borough.

XCIX. And be it enacted, That if the Council of any Borough shall think it requisite that a salaried Police Magistrate or Magistrates be appointed within such Borough, such Council is hereby empowered to make a Bye Law fixing the Amount of the Salary which he or they are to receive in that Behalf; and such Bye Law so made by any Council as aforesaid shall be transmitted to One of His Majesty's Principal Secretaries of State, and it shall be lawful thereupon for His Majesty, if He shall think fit, to appoint One or more fit Persons, according to the Number fixed in the said Bye Law (being Barristers at Law of not less than Five Years standing), to be during His Majesty's Pleasure Police Magistrate or Magistrates and a Justice or Justices of the Peace for such Borough, and to direct that such Sum shall be paid quarterly out of the Borough Fund of such Borough as will be sufficient to pay such yearly Salary to each of the Justices so assigned as last aforesaid, not exceeding in the whole the Salary mentioned in the Prayer of such Petition, clear of all Fees or Deductions, as to His Majesty shall seem fit; and the Treasurer of such Borough shall thereupon pay to each Justice so assigned as last aforesaid, out of the Borough Fund of such Borough, the Salary so directed to be paid, by Four equal quarterly Payments, and in the same Proportion up to the Time of the Death of such Justice or his ceasing to act under such Assignment as aforesaid; provided that in every Case of Vacancy of the Office of Police Magistrate in any Borough aforesaid no new Appointment of Police Magistrate in such Borough shall be made until the Council shall again make Application to One of His Majesty's Principal Secretaries of State in that Behalf, and as in the Case of the first Appointment of a Police Magistrate in such Borough.

C. And be it enacted, That the Council of every Borough to which a separate Commission of the Peace shall be granted under the Provisions of this Act shall be authorized and required to provide and furnish One or more fit and suitable Office or Offices, to be called "The Police Office" or "Offices" of the Borough, for the Purpose of transacting the Business of the Justices of such Borough, and

His Majesty's Commission may be issued for certain Persons to act as Justices in any of such Boroughs.

Councils may make Bye Laws, on which the Crown may appoint salaried Justices.

Council to provide a Police Office.

and to pay from Time to Time out of the Borough Fund such Sums as may be necessary for providing, upholding, and furnishing, and for the necessary Expences of such Police Office or Offices ; provided that no Room in any House licensed as a Victualling House or Alehouse shall be used for the Purposes of any such Police Office.

Justices need not be qualified by Estate.

CI. And be it further enacted, That every Person assigned to keep the Peace within any Borough under the Provisions of this Act, or any of them, shall, during the Continuance of such Assignment, execute the Duties of a Justice of the Peace in and for the Borough for which he shall have been so assigned, although he may not have such Qualification by Estate as is required by Law in the Case of other Persons being Justices of the Peace for a County, provided that such Person be not disqualified by Law to act as a Justice of the Peace for any other Cause or upon any other Account than in respect of Estate, and although such Person may not be a Burgess of the Borough in and for which he shall have been assigned to act as a Justice of Peace ; and that every Summons for the Appearance of any Person, or Warrant to compel such Appearance, or Warrant for the Apprehension of any Person charged with any Offence or Search Warrant, issued by any Justice of the Peace acting in and for any Borough in any Matter within his Jurisdiction, may be respectively served and executed within any County in which the said Borough shall be situated, or within any Distance not exceeding Seven Miles from such Borough, and within such Limits as aforesaid shall have the same Force and Effect as if the same had been originally issued or subsequently indorsed by a Justice of the Peace having Jurisdiction in the Place where the same shall be served or executed, any Law, Statute, Charter, or Usage to the contrary notwithstanding ; and every such Summons and Warrant shall and may be lawfully served or executed within such Limits as aforesaid by the Constable or Special Constable to whom the same shall be directed : Provided nevertheless, that no such Person, by virtue of such Assignment, shall act as a Justice of the Peace at any Court of Gaol Delivery or General or Quarter Sessions, or in making or levying any County Rate, or Rate in the Nature of a County Rate.

Such Justices not to sit in Courts of Gaol Delivery, &c.

Justices to appoint a Clerk, who shall not be Clerk of the Peace, or an Alderman or Councillor, nor be concerned in the Prosecution of Offenders committed by the Borough Justices.

CII. And be it enacted, That it shall be lawful for the Justices of every Borough to which a separate Commission of the Peace shall be granted as aforesaid, at their First or any other Meeting, and they are hereby respectively required, to appoint a fit Person to be the Clerk to the Justices of such Borough, to be removable at their Pleasure, and so as often as there shall be a Vacancy in the said Office of Clerk to the Justices by Death, Resignation, Removal, or otherwise ; provided that it shall not be lawful for the said Justices to appoint or continue as such Clerk to the Justices any Alderman or Councillor of such Borough, or Clerk of the Peace of such Borough, or the Partner of such Clerk of the Peace, or any Clerk or Person in the Employ of such Clerk of the Peace : Provided also, that it shall not be lawful for the said Clerk to the Justices, by himself or his Partner, to be directly or indirectly interested or employed in the Prosecution of any Offender committed for Trial by the Justices of whom he shall be such Clerk as aforesaid, or any of them, at any Court of Gaol Delivery or General or

Quarter

Quarter Sessions; and any Person being an Alderman or Councilor, or Clerk of the Peace of any Borough, or the Partner or Clerk or in the Employ of such Clerk of the Peace, who shall act as Clerk to the Justices of such Borough, or shall otherwise offend in the Premises, shall for every such Offence forfeit and pay the Sum of One hundred Pounds, one Moiety thereof to the Treasurer of such Borough, to be paid over to the Credit and Account of the Borough Fund of such Borough, and the other Moiety thereof, with full Costs of Suit, to any Person who will sue for the same in any of His Majesty's Courts of Record at *Westminster*.

CIII. And be it enacted, That the Council of every Borough which shall be desirous that a separate Court of Quarter Sessions of the Peace shall be or continue to be holden in and for such Borough shall signify the same by Petition to His Majesty in Council, setting forth the Grounds of the Application, the State of the Gaol, and the Salary which they are willing to pay to the Recorder in that Behalf; and it shall be lawful for His Majesty, if He shall be pleased thereupon to grant that a separate Court of Quarter Sessions of the Peace shall be thenceforward holden in and for such Borough, to appoint for such Borough, or for any Two or more of such Boroughs conjointly, a fit Person, being a Barrister at Law of not less than Five Years standing, who shall be and be called the Recorder of such Borough or Boroughs, and shall hold such Office during his good Behaviour, and upon any Vacancy in any such Office to appoint another fit Person, being a Barrister at Law of not less than Five Years standing, to be the Recorder in the Place of the Person so making such Vacancy; and the Council of every such Borough shall appoint a fit Person to be Clerk of the Peace during his good Behaviour; and the Recorder for the Time being of any Borough shall be a Justice of the Peace of and for such Borough, although he may not have such Qualification by Estate as is required by Law in the Case of any other Person being a Justice of the Peace for a County; and such Recorder shall have Precedence in all Places within the Borough of which he may be the Recorder next after the Mayor thereof; and in such Case it shall be lawful for His Majesty to direct that an annual Salary, not exceeding the Sum stated in the Petition of the Council, shall be paid to such Recorder, by the Treasurer of such Borough out of the Borough Fund: Provided always, that no Person being such Recorder as aforesaid shall be eligible to serve in Parliament for such Borough, nor shall he be an Alderman, Councillor, or Police Magistrate of such Borough: Provided nevertheless, that nothing in this Act contained shall be construed to disqualify any such Recorder from being appointed a Barrister to revise any List of Voters under the Provisions of an Act passed in the Second Year of His Majesty, intituled *An Act to amend the Representation of the People in England and Wales*, or from being eligible to serve in Parliament, otherwise than is herein-before provided: Provided also, that in every Borough in and for which a separate Court of General or Quarter Sessions of the Peace is now holden, and of which the present Recorder or Deputy Recorder is a Barrister of Five Years standing, such Recorder or Deputy Recorder, being qualified as aforesaid, shall be continued or appointed Recorder under the Provisions of this Act: Provided also, that in the Case of Sicknes or unavoidable

His Majesty may grant a separate Court of Quarter Sessions, and appoint a Recorder, in certain Boroughs.

Recorder to be a Justice of the Peace for the Borough;

but not a Member of Parliament for the Borough, Alderman, Councillor, or Police Magistrate.

2 W. 4. c. 45.

unavoidable Absence, the Recorder of any Borough shall be empowered, under his Hand and Seal, with the Consent of the Council of such Borough, to appoint a Deputy Recorder, being a Barrister of Five Years standing, to act for him at the Quarter Sessions of the Peace then next ensuing, and no longer or otherwise.

Recorder and Justices to make Declaration before acting.

CIV. Provided nevertheless, and be it enacted, That no Recorder or Person assigned to keep the Peace within any such Borough shall be capable of acting as Recorder or Justice of the Peace within such Borough until he shall have taken the Oaths provided to be taken by Justices of the Peace, except the Oath as to Qualification by Estate, and until he shall have made before the Mayor or before any Two or more of the Aldermen or Councillors of such Borough (who is and are hereby authorized and required to administer the same) a Declaration in the following Form; (that is to say,)

‘ I *A. B.* do hereby declare, That I will faithfully and impartially execute the Office of Recorder [*or Justice of the Peace*] for the Borough of \_\_\_\_\_ according to the best of my Judgment and Ability.’

Sessions of the Peace to be held for the Borough, of which the Recorder to be the sole Judge.

CV. And be it enacted, That the Recorder of every Borough shall hold once in every Quarter of a Year, or at such other and more frequent Times as the said Recorder in his Discretion may think fit, or as His Majesty shall think fit to direct, a Court of Quarter Sessions of the Peace in and for such Borough, of which Court the Recorder of such Borough shall sit as the sole Judge; and such Court of Quarter Sessions of the Peace shall be a Court of Record, and shall have Cognizance of all Crimes, Offences, and Matters whatsoever cognizable by any Court of Quarter Sessions of the Peace for Counties in *England*, and the said Recorder shall have Power to do all Things necessary for exercising such Jurisdiction, notwithstanding his being such sole Judge, as fully as any such last-mentioned Court: Provided nevertheless, that no Recorder, by virtue of his Office, shall have Power to make or levy any County Rate, or Rate in the Nature of a County Rate, or to grant any Licence or Authority to any Person to keep an Inn, Alehouse, or Victualling House, to sell exciseable Liquors by Retail, or to exercise any of the Powers herein specially vested in the Council of such Borough.

Recorder not to make or levy County Rate, &c.

Mayor, in the Absence of the Recorder and Deputy Recorder, may open and adjourn the Court.

CVI. And be it enacted, That in the Absence of the Recorder and Deputy Recorder the Mayor shall be authorized and required, at the proper Times appointed for the holding of such Court of Quarter Sessions of the Peace in and for such Borough, to open the said Court, and to adjourn over the holding of the same, and to respite all Recognizances conditioned for appearing at the same, until such further Day as such Mayor then and there, and so from Time to Time, shall cause to be proclaimed: Provided nevertheless, that nothing in this Act contained shall authorize or require any such Mayor to sit as a Judge of the said Court for the Trial of Offenders, or to do any other Act in the Character of a Judge of such Court, save only in opening and adjourning the same, and respiting the said Recognizances in manner aforesaid.

Capital Jurisdictions, and all other Criminal Jurisdictions in

CVII. And be it enacted, That after the First Day of *May* One thousand eight hundred and thirty-six all Powers and Jurisdictions to try Treasons, Capital Felonies, and all other Criminal Jurisdictions

tions whatsoever granted or confirmed by any Law, Statute, Letters Patent, Grant, or Charter whatsoever, to any Mayor, Bailiff, Alderman, Recorder, or other Corporate or Chartered Officer, or Corporate or Chartered Justice of the Peace whomsoever, in any Borough, and all Right of any Body Corporate in any Borough, or any of the Members thereof, by virtue of any Law, Statute, Letters Patent, Grant, or Charter whatsoever, to elect or nominate any Justices to keep the Peace in or for any Borough, or by any Members of any such Corporate Body to act as such Justices of the Peace in or for any of the last-named Boroughs other than is herein declared, shall cease: Provided nevertheless, that nothing in this Act contained shall be construed to restrain or prevent the holding of any Court of Gaol Delivery or General or Quarter Sessions of the Peace in and for any Borough for which such Court may now be holden, until the said First Day of *May*, but every such Court may be holden in like Manner, and with the same Powers, until the said First Day of *May*, as if this Act had not been passed.

Boroughs, other than are specified in this Act, abolished.

CVIII. And be it enacted, That from and after the passing of this Act so much of all Laws, Statutes, and Usages, and so much of all Royal and other Charters, Grants, and Letters Patent heretofore granted to any Borough or Body Corporate, whereby such Borough, or any Place within the Precincts or Liberties of the same, or such Body Corporate, or the Freemen or Inhabitants of the same, claims or claim to be exempted and released from the Jurisdiction and Office of the Lord High Admiral of *England*, or of the High Court of the Admiralty of *England*, or whereby any Body Corporate, or any Mayor, Bailiff, Recorder, Steward, or other Chartered or Corporate Officer of any Borough has or claims any thing belonging to the Office of Admiral, whether or not to be exercised by virtue of any Commission to them or any of them to be directed, shall be and the same is hereby repealed: Provided nevertheless, that nothing in this Act contained shall extend to alter or affect the Jurisdiction and Office of the Lord Warden in his Office of Admiral of the Cinque Ports: Provided also, that all Suits and Matters wherein before the passing of this Act the Rights of any Salvors, or any Droits or Perquisites to the Office of Admiral belonging, were drawn into question, may be continued, heard, determined, and adjudicated upon in like Manner as if this Act had not passed.

Chartered Admiralty Jurisdictions abolished.

CIX. And whereas an Act was passed in the Thirty-eighth Year of His late Majesty *George the Third*, intituled *An Act to regulate the Trial of Causes, Indictments, and other Proceedings which arise within the Counties of certain Cities and Towns Corporate within this Kingdom*, but certain Cities and Counties of Cities were excepted out of the Operation of the same: And whereas it is expedient to repeal in part the said Exceptions; be it therefore enacted, That so much of the last-recited Act as provides that nothing therein contained shall extend or be construed to extend to the City or County of the City of *Bristol*, or the City or County of the City of *Chester*, or to the Criminal Jurisdiction of the City of *Exeter* and County of the same City, shall be and the same is hereby repealed; and that the Town of *Berwick-upon-Tweed* shall be taken to be a County of a Town Corporate, and to be within

Certain Exceptions in 38 G. 3. c. 52. repealed.

Berwick-upon-Tweed to be a County of a Town.



As to Trial of Offences committed in Counties of Cities and Towns Corporate.

all the Provisions of the last-recited Act; and that after the First Day of *May* in the Year One thousand eight hundred and thirty-six, and until His Majesty shall be pleased to direct a Commission of Oyer and Terminer and Gaol Delivery to be executed within any County of a City or Town Corporate, all Bills of Indictment for Offences committed within such County of a City or Town Corporate shall be preferred and all Proceedings upon such Indictments shall be had as in the last-recited Act is authorized to be done, and the Counties of the Cities and Towns Corporate named in the First Column of the Schedule (C.) to this Act annexed shall be considered as next adjoining to the County named in conjunction with the same respectively in the Second Column of the said Schedule (C.)

Offenders committed to Borough Sessions whose Jurisdiction is taken away to be tried in the adjoining County.

CX. And be it enacted, That after the said First Day of *May* One thousand eight hundred and thirty-six every Person who shall then stand committed to take his Trial at any Court of Gaol Delivery, General or Quarter Sessions of the Peace for any Borough, charged with any Offence which the Recorder of such Borough after the said First Day of *May* will not have Jurisdiction to try, may be lawfully removed and committed to the Gaol or House of Correction of the County in which or adjoining to which such Borough is situated, there to remain and take his Trial at the next Court of Quarter Sessions for such County, if the Offence is cognizable by a Court of Quarter Sessions, and if not, then before the Judges of Oyer and Terminer and Gaol Delivery at their next Circuit; and all Persons bound by Recognizance to prosecute and give Evidence against such Offenders shall be bound to appear to prosecute and give their Evidence at the Court at which such Offenders shall be tried as aforesaid; and all such Recognizances and all Depositions relating to such Charges shall be transmitted to the proper Officer of the Court where such Offenders shall be tried; and the Sheriff, Under Sheriff, Gaolers, and other Officers of the County in which such Offenders shall be so tried are hereby authorized and required in every such Case to receive every Prisoner so committed to their Custody, and him safely to keep until delivered by due Course of Law; and the Judges of Assize and others named in His Majesty's Commissions of Oyer and Terminer and Gaol Delivery, or the Justices for the County, as the Case may be, in which such Offenders shall be tried, are hereby authorized and required to hear and determine all such Cases, and to order the Payment of the usual and fit Expences of the Prosecutors and Witnesses, and all other Costs and Expences which in like Case may be directed to be paid by Order of the Court.

County Justices to have Jurisdiction in all Boroughs which have not a separate Court of Quarter Sessions of the Peace under this Act.

CXI. And be it enacted, That after the said First Day of *May* One thousand eight hundred and thirty-six the Justices assigned or hereafter to be assigned to keep the Peace in and for the County in which any Borough is situated, to which His Majesty shall not have granted that a separate Court of Quarter Sessions of the Peace shall be holden in and for the same, shall exercise the Jurisdiction of Justices of the Peace in and for such Borough as fully as by Law they and each of them can or ought to do in and for the said County; and no Part of any Borough in and for which a separate Court of Quarter Sessions of the Peace shall be holden shall be within the Jurisdiction of the Justices of any County from which such

Borough before the passing of this Act was exempt, any Law, Statute, Letters Patent, Charter, Grant, or Custom to the contrary notwithstanding.

CXII. And be it enacted, That within Ten Days after the Grant of a separate Court of Quarter Sessions of the Peace to any Borough the Council of such Borough shall send a Copy of such Grant, sealed with the Seal of the Borough, to the Clerk of the Peace of the County in which such Borough or any Part thereof is situated; and after the Grant of such Court to any Borough it shall not be lawful for the Justices of the Peace of any County wherein such Borough or Part of such Borough is situate to assess any Messuages, Lands, Tenements, or Hereditaments within such Borough to any County Rate thereafter to be made, but every Part of every such Borough shall thenceforward be wholly free and discharged from contributing, otherwise than is herein-after provided, to any Rate or Assessment of any Kind of and for the County in which any Part of such Borough is situated: Provided nevertheless, that all Arrears of such Rates theretofore made may be levied and collected as if this Act had not been passed.

Certain Boroughs not to be assessed to County Rates.

CXIII. ' And whereas by an Act made in the Seventh Year of His late Majesty *George the Fourth*, intituled *An Act for improving the Administration of Criminal Justice in England and Wales*, it was enacted that all Sums directed to be paid by virtue of that Act in respect of Felonies and Misdemeanors therein enumerated, committed in Liberties, Franchises, Cities, Towns, and Places which do not contribute to the Payment of any County Rate, should be paid as therein is directed; be it therefore enacted, That all Sums directed to be paid by virtue of the last-recited Act in respect of Felonies and such Misdemeanors as aforesaid, committed or supposed to have been committed in any Borough in which a separate Court of Quarter Sessions of the Peace shall be holden, shall be paid out of the Borough Fund of such Borough, any thing in the said Act contained notwithstanding; and the Order of Court shall in every such Case be directed to the Treasurer of such Borough instead of the Treasurer of the County.

Boroughs to pay the Expenses of Prosecutions at the Assizes.  
7 G. 4. c. 64.

CXIV. And be it enacted, That the Treasurer of every County in *England and Wales* shall keep an Account of all Costs arising out of the Prosecution, Maintenance, and Punishment, Conveyance and Transport of all Offenders committed for Trial to the Assizes in such County from any Borough in which a separate Court of Quarter Sessions of the Peace shall be holden; and the Treasurer of every such County shall, not more than Twice in every Year, send a Copy of the said Account to the Council of each of the said Boroughs, and shall make an Order for Payment of the same on the Council of such Borough; and the Council of every such Borough shall forthwith order the same, with all reasonable Charges of making and sending such Account, to be paid to the Treasurer of such County out of the Borough Fund; and in case any Difference shall arise concerning the said Account, it shall be decided by the Arbitration of a Barrister to be named as is provided in the Case of Differences with respect to the Payment of Monies under Contracts made by Authority of an Act made in the Fifth Year of His late Majesty King *George the Fourth*, intituled *An Act for amending an Act of the last Session of Parliament, relating to the building,*

Treasurers of Counties to keep an Account of Expenses of Prosecution of Offenders sent by such Boroughs for Trial at the Assizes, and make Order on them for Payment thereof.

In case of Difference respecting such Account the same to be referred to Arbitration, as provided in 5 G. 4. c. 85.

*repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales: Provided that nothing herein contained shall be construed to alter or restrain the Powers given by the last-mentioned Act of contracting with the Justices of the Peace having Authority or Jurisdiction in and over any Gaol or House of Correction of the County wherein or where such Borough is situated, or whereto it is adjacent, for the Conveyance, Support, and Maintenance in such last-mentioned Gaol or House of Correction of Prisoners committed thereto from such Borough, save only that all such Powers shall after the First Day of May One thousand eight hundred and thirty-six be vested in the Council of such Borough in the Name of the Body Corporate whose Council they are, and in none other; and for the Purpose of making such Contracts as aforesaid the Council of such Borough, and none other, shall have Power to make the Orders required by the said last-mentioned Act to be made by the Justices of the Borough at the Borough Sessions.*

Council may contract for committing Prisoners to the Gaol of another Borough, if sufficient.

CXV. And be it enacted, That in every Case in which it shall have been made to appear to the Satisfaction of One of His Majesty's Principal Secretaries of State that there is in any Borough a Gaol or House of Correction fit for the Confinement of Prisoners, the Council of any Borough shall have the same Powers of contracting, in the Name of the Body Corporate whose Council they are, with any Person or Body Corporate having the Government or ordering of such last-mentioned Gaol or House of Correction, in like Manner as is herein-before enacted concerning Contracts with Justices of the Peace having Authority or Jurisdiction in and over County Gaols and Houses of Correction; and all the Provisions of the last-recited Act made in the Fifth Year of His late Majesty shall extend, or as nearly as may be, to all such Contracts for the Conveyance to and Support and Maintenance of Offenders in such Borough Gaol or House of Correction; and in case His Majesty shall have granted to the Borough in which such Gaol or House of Correction shall be situated a separate Court of Quarter Sessions of the Peace, such Offenders may be tried and sentenced by such Court for all Offences of which the Court has Cognizance, and punished accordingly; and all the Provisions of the last-recited Act made in the Fifth Year of His late Majesty shall extend as nearly as may be to the Trial and Punishment of such Offenders, and to all Acts necessary for such Trial or consequent thereon.

Council of certain Boroughs to have the same Powers under the Acts 4 G. 4. c. 64. and 5 G. 4. c. 85. as Justices of the Peace have at their Sessions in Counties.

CXVI. ' And whereas by an Act passed in the Fourth Year of His late Majesty *George the Fourth*, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales*, it was provided, that certain Cities, Towns, and Places included in a certain Schedule (A.) to the said Act annexed should be taken to be within the Provisions of the same: ' And whereas by an Act passed in the Fifth Year of His late Majesty *George the Fourth*, intituled *An Act for amending an Act of the last Session of Parliament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales*, so much of the last- ' recited

recited Act as related to the Cities of *Canterbury*, *Lichfield*, and *Lincoln* was repealed; be it therefore enacted, That the Council of every Borough named in the last-mentioned Schedule (A.) (except the Cities of *Canterbury*, *Lichfield*, and *Lincoln*) shall have within their Borough all the Powers (except in hearing and determining Appeals against Convictions) which any Justices of the Peace assembled at their General or Quarter Sessions in any County in *England* have within the Limits of their Commission by virtue of the said last-recited Acts or either of them, or as near thereto as the Nature of the Case will admit; and all Things in the said last-recited Acts or either of them provided to be done at any General or Quarter Sessions of the Peace shall be done at some quarterly Meeting of the Council of such Borough.

CXVII. And be it enacted, That the Treasurer of every County in *England* and *Wales* shall keep an Account of all Sums of Money received in aid or on account of the County Rate, and of the Sum of Money expended out of the County Rate for other Purposes than the Costs arising out of the Prosecution, Maintenance, and Punishment, Conveyance and Transport of Offenders committed for Trial in such County, and in the Case of Boroughs having a separate Court of Quarter Sessions of the Peace other than out of Coroners Inquests, and shall, not more than Twice in every Year, send a Copy of the said Account to the Council of every Borough situate within such County in which a separate Court of Quarter Sessions of the Peace shall be holden, and which before the passing of the said Act, intituled *An Act to settle and describe the Divisions of Counties and the Limits of Cities and Boroughs in England and Wales, so far as respects the Election of Members to serve in Parliament*, was chargeable with or liable to contribute in whole or in part to the County Rate of such County, and shall make an Order on the Council of every such Borough for the Payment of such Proportion of such Sum as would have been chargeable, after deducting all Sums of Money received in aid of the County Rate as aforesaid, if this Act had not passed, upon such Borough as the same shall be bounded according to the Provisions of this Act; and the Council of such Borough shall forthwith order the same, with all reasonable Charges of making and sending the said Account, to be paid to the Treasurer of such County out of the Borough Fund; provided that in case any Difference shall arise concerning the last-mentioned Account it shall be decided by the Arbitration of a Barrister to be named as is provided in the Case of Differences with respect to the Payment of Monies under Contracts made by Authority of the said Act made in the Fifth Year of His late Majesty King *George the Fourth*, intituled *An Act for amending an Act of the last Session of Parliament, relating to the building, repairing, and enlarging of certain Gaols and Houses of Correction, and for procuring Information as to the State of all other Gaols and Houses of Correction in England and Wales*.

Boroughs to pay a Proportion of the other County Expenditure.

2 & 3 W. 4. c. 64.

5 G. 4. c. 85.

CXVIII. And be it enacted, That in every Borough in which by Charter or Custom there is or ought to be holden a Court of Record for the Trial of Civil Actions not regulated by the Provisions of any Local Act of Parliament, or in which, at the Time of the passing of this Act, a Barrister of Five Years standing shall not act as Judge or Assessor, the Recorder, or in the Absence of the

Borough Courts of Record to be holden as heretofore, but in certain Cases with extended Jurisdiction.

Recorder, or in case there shall not be a Recorder, such Officer of the Borough as by the Charter constituting such Court or by Custom shall be the Judge of such Court, shall continue to be and act as such Judge; and the Council of such Borough in every Case, whether such Court be regulated by the Provisions of a Local Act of Parliament or otherwise, shall have Power for that Purpose to appoint the necessary Officer, other than the Recorder, before whom such Court is to be holden; and every such Judge or Assessor, other than the Mayor, shall hold his Office during his good Behaviour; and the Judge of every such Court shall hold the said Court at such Times and Places, and with such Rules of Practice, and with the same Powers and Jurisdiction as belonged to the said Court at the Time of passing this Act: Provided always, that in every Case in which such Court had not before the passing of this Act Authority to try such Actions as are herein-after next mentioned any such Court in which a Barrister of Five Years standing shall act as Judge or Assessor shall have Authority to try Actions of Assumpsit, Covenant, and Debt, whether the Debt be by Specialty or on Simple Contract, and all Actions of Trespass or Trover for taking Goods and Chattels, provided the Sum or Damages sought to be recovered shall not exceed Twenty Pounds, and all Actions of Ejectment between Landlord and Tenant wherein the annual Rent of the Premises of which Possession is sought to be recovered shall not exceed Twenty Pounds, and upon which no Fine shall have been reserved or made payable: Provided also, that every such Judge respectively from Time to Time may make Rules for regulating the Practice of such Court over which he presides, but so that no such Rules shall be of force until they shall have been allowed and confirmed by Three or more Judges of the Superior Courts of Common Law at *Westminster*: Provided also, that the Jurisdiction of every Court of Record for the Trial of Civil Actions within any Borough shall be extended so far as the Metes and Bounds of every such Borough as the same shall be and be declared under the Provisions of this Act: Provided also, that no Action shall be tried by any such Judge, wherein the Title to Land, whether Freehold, Copyhold, or Leasehold, or other Tenure whatsoever, or to any Tithe, Toll, Market, Fair, or other Franchise shall be in question, in any Court which before the passing of this Act had not Authority to try Actions in which such Titles as last aforesaid were in question; and in case it shall appear in the Course of any Action in such Court as last aforesaid, or shall be made to appear upon Oath to such Court as last aforesaid, that any such Title as last aforesaid is in question in such Action, that then the Jurisdiction of such Court as last aforesaid in the Matter of such Action shall cease, and it shall be in the Discretion of the Court to award Costs against the Party commencing the same.

Proviso.

Council to appoint Registrar and other necessary Officers of the Court.

CXIX. And be it enacted, That the Council of every Borough in which there shall be holden a Court of Record for the Trial of Civil Actions as aforesaid shall appoint a Registrar of such Court, except in Boroughs where the Town Clerk acts as such Registrar, and such other Officers and Servants as are necessary for carrying on the Business and executing the Process of such Court; provided that no Registrar or other Officer of such Court shall, by himself

himself or any Partner, or by his or their Clerks, practise as an Attorney in such Court, nor shall any such Partner or Clerk act as Agent for any other Attorney in such Court: Provided also, that, unless disqualified as herein provided, every Attorney of His Majesty's Superior Courts at *Westminster* shall have full Liberty to practise as an Attorney in every such Court.

CXX. And be it enacted, That no Suit commenced in any Court of Record in any Borough before the First Day of *May* One thousand eight hundred and thirty-six shall abate by reason of any Change that shall have been made in the Constitution of such Court by the Provisions of this Act, but that the same may continue and be heard and determined as if it had been commenced before such Judge.

Existing Suits not to abate by reason of the Change of Jurisdiction.

CXXI. And be it enacted, That every Person, being a Burgess of any Borough wherein there shall be a separate Court of Sessions of the Peace, or a Court of Record for the Trial of Civil Actions, (unless he shall be exempt or disqualified otherwise than in respect of Property from serving on Juries by virtue of an Act passed in the Sixth Year of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors and Juries*.) shall be qualified and liable to serve on Grand Juries in such Borough, and also upon Juries for the Trial of all Issues joined in any Court of Quarter Sessions of the Peace, and in any Court of Record for the Trial of Civil Actions triable within the Borough of which such Person shall be a Burgess; and the Clerk of the Peace of every such Borough shall give public Notice of the Time and Place of holding every such Quarter Sessions of the Peace, Ten Days at the least before the holding thereof, and shall, Seven Days at the least before the holding thereof, cause to be summoned a sufficient Number of Persons, being qualified and liable as aforesaid, to serve as Grand Jurors at such Sessions; and the Clerk of the Peace and Registrar of the Court of Record respectively shall also cause to be summoned not less than Thirty-six nor more than Sixty Persons so qualified and liable as aforesaid to serve as Jurors at every such Sessions, and at the holding of every such Court of Record for the Trial of Causes, in case there shall be any Cause then to be tried; and such Summons shall be made by showing to the Person to be summoned, or in case he shall be absent from the usual Place of his Abode by leaving with some Person therein inhabiting, Notice under the Hand of such Clerk of the Peace or Registrar respectively containing the Substance of such Summons; and such Clerk of the Peace shall make out a List of the Names of such Persons so summoned as Grand Jurors, and the Clerk of the Peace and Registrar respectively shall also make out a Panel of such Persons so summoned other than Grand Jurors, and such List and Panel shall respectively contain therein the Christian Names and Surnames, Places of Abode, and Descriptions of the several Persons therein named; and if any Person, having been duly summoned to attend on any Jury, shall not attend in pursuance of such Summons, or, being thrice called, shall not answer to his Name, or after his Appearance wilfully withdraw himself from the Presence of the Court, the Court shall impose such Fine upon every Person so making Default (unless some reasonable Excuse shall be proved to the Satisfaction of the Court) as the Court shall think meet; and if any Person on whom such Fine shall be imposed shall refuse to

Who to be Jurors.

6 G. 4. c. 50.

Summoning of Jurors, &c.

Fine on Jurors for Non-attendance.

pay the same to the Person who shall be authorized by the Court to receive the same, it shall be lawful for the Court, then or at its next Sitting, by Order of the Court, signed by the Clerk of the Peace or Registrar respectively, to cause to be levied, by Distress and Sale of the Goods of the Person on whom such Fine shall have been imposed, every such Fine, and the reasonable Charges of such Distress and Sale; and every Fine so received shall be paid to the Treasurer of the Borough, to be by him carried to the Account of the Borough Fund herein-before mentioned: Provided nevertheless, that no Person shall be summoned to serve as a Juror at such Sessions or Court of Record oftener than once in One Year.

Members of the Council, &c. exempt from serving on Juries;

CXXII. And be it enacted, That after the passing of this Act every Member of the Council for the Time being of every Borough, and every Justice assigned to keep the Peace therein, and the Treasurer and Town Clerk for the Time being of every such Borough, shall be exempt and disqualified from serving on any Jury summoned within such Borough respectively, and exempt from serving on any Jury summoned to serve in the County wherein such Borough is situate; and all Burgesses of every Borough in and for which a separate Court of Quarter Sessions of the Peace shall be holden shall be exempt from serving on any Jury summoned for the Trial of Issues joined in any Court of General or Quarter Sessions of the Peace in the County wherein such Borough is situate.

Burgesse of Boroughs which have Quarter Sessions exempt from Juries of County Quarter Sessions.

All chartered Exemptions from serving on Juries abolished.

CXXIII. And be it enacted, That after the passing of this Act no Person in any Borough shall continue to be exempt from serving on Juries in any of the King's Courts of Record at *Westminster*, or in the Superior Courts, Civil or Criminal, of the Counties Palatine of *Lancaster* and *Durham*, or in any Court of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, or Sessions of the Peace, or in any other of the King's Courts, by virtue of any Writ, Grant, Charter, Prescription, or otherwise; and so much of an Act made in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relative to Jurors*, as provides that all Persons in any Borough exempt from serving upon Juries in any of the Courts aforesaid, by virtue of any Prescription, Charter, Grant, or Writ, shall continue to have and enjoy such Exemption in as ample a Manner as before the passing of that Act, and shall not be inserted in the Lists thereafter mentioned, shall be and the same is hereby repealed.

6 G. 4. c. 50. in part repealed.

CXXIV. And be it enacted, That the Council of every Borough shall and they are hereby required, within Six Calendar Months next after their Election, to make and settle a Table of the Fees which shall be taken by the Clerk of the Peace in those Boroughs in which a separate Court of Quarter Session of the Peace shall be holden, and in those Boroughs to which a Commission of the Peace shall have been granted, a Table of the Fees to be taken by the Clerk to the Justices, and in those Boroughs in which there shall be a Court of Record, a Table of the Fees to be taken by the Registrar and Officers of such Court; and such Tables of Fees shall be submitted to One of His Majesty's Principal Secretaries of State; and when such Tables of Fees shall be confirmed and allowed by such Secretary of State, either as such Table shall have been submitted to him, or with such Alterations, Additions, or Abatements as he shall think proper, the Fees therein mentioned may thenceforth

Fees payable to the Clerk of the Peace, Clerk to the Magistrates, and Registrar, and Officers of the Court of Record.

forth be lawfully taken by the Person therein named to be entitled thereunto; and it shall be lawful for the Council of such Borough, from Time to Time, as Occasion may require, to make new Tables of Fees to be taken instead of the Fees contained in the Tables which shall have been made as aforesaid, which new Table shall be confirmed and allowed in the Manner herein-before mentioned, otherwise the same shall be of no Validity; and that until Tables of the Fees so to be taken in any such Borough shall have been made and confirmed as aforesaid it shall be lawful for such Clerk of the Peace at the Quarter Sessions for any such Borough, and such Clerk to the Justices, to take the Fees authorized by the Table for the Time being to be taken by the Clerk of the Peace at the Quarter Sessions and Clerk to the Justices respectively for the County within or adjoining to which such Borough is situated, and for the Registrar and Officers of such Court of Record to take the Fees usually taken by them before the passing of this Act.

CXXV: And be it enacted, That the Town Clerk of every Borough shall cause a true Copy of the Tables of Fees in force for the Time being to be hung up in a conspicuous Part of the Room in which the Business of his Office is transacted, and also in the Room wherein the Justices of the Peace of such Borough shall sit for transacting their Business, and also in the Room wherein the Court of Quarter Sessions of the Peace for the Borough shall be held, and also in the Court of Record of the said Borough.

Table of Fees  
to be hung up.

CXXVI. And be it enacted, That when by any Act any Penalties or Forfeitures are or shall hereafter be made recoverable in a summary Manner before any Justice or Justices of the Peace, and by such Act respectively the same are or shall be limited and made payable to His Majesty, or to any Body Corporate, or to any Person whomsoever, save and except the Informer, who shall sue for the same, or any Party aggrieved, in every such Case the same, if recovered and adjudged before any Justice of any Borough in which a separate Court of Quarter Sessions of the Peace shall be holden as aforesaid, shall, notwithstanding any thing in such Act respectively contained, be recovered for and adjudged to be paid to the Treasurer of such Borough for the Time being, to the Credit and on account of the Borough Fund of such Borough; and no such Penalty or Forfeiture, or Share of such Penalty or Forfeiture, shall in any Case be recovered by or adjudged to be paid to any other Person than the said Treasurer, unless such Person be the Informer or the Party aggrieved: Provided always, that nothing herein contained shall extend to any Penalties or Forfeitures recovered under any Act relating to the Customs, Excise, and Post Office, or to Trade or Navigation, or any Branch of His Majesty's Revenue.

Application of  
Penalties.

CXXVII. And for the more effectual Prosecution of Offences punishable upon summary Conviction by virtue of this Act, be it enacted, That the Prosecution for every such Offence shall be commenced within Three Calendar Months after the Commission of the Offence, and not otherwise; and that where any Person shall be charged on the Oath of a credible Witness with any such Offence before a Justice of the Peace the Justice may summon the Party charged to appear before any Two Justices of the Peace acting in

Limitation of  
Time for  
Prosecution of  
Offences pun-  
ishable on sum-  
mary Convic-  
tion.

and



and for the Borough in which such Offence shall have been committed, at a Time and Place to be named in such Summons; and if such Party shall not appear accordingly the Justices of the Peace then and there present (upon Proof of the due Service of the Summons by delivering a Copy thereof to the Party, or by delivering such Copy at the Party's usual Place of Abode to some Inmate thereat, and explaining the Purport thereof to such Inmate,) may either proceed to hear and determine the Case in the Absence of the Party, or may issue their Warrant for apprehending and bringing such Party before them, as they shall think proper.

Power to summon Witnesses.

CXXVIII. And be it enacted, That it shall be lawful for any Justice of the Peace acting in and for any Borough to issue his Summons requiring any Person to appear before any such Justices of the Peace for the Purpose of giving Evidence touching any Offence against this Act; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by such Summons, and no reasonable Excuse for his Absence shall be proved before the Justices of the Peace then and there present, or if any Person appearing in obedience to such Summons shall refuse to be examined on Oath touching any such Offence by the Justices then and there present, every Person so offending shall, on Conviction thereof before the said Justices, or any other Justices of the Peace, forfeit and pay such Sum of Money not exceeding Five Pounds as to the convicting Justices shall seem meet; and no Person, although liable to the Rate contributing to the Borough Fund of any Borough, shall be deemed an incompetent Witness in Proof of any Offence against this Act by reason of any Penalty or Forfeiture for such Offence being applicable to the Use of such Borough Fund; and no Justice of the Peace shall be disabled from acting in the Execution of this Act by reason of his being liable to the Rate contributing to the Borough Fund of any Borough.

Penalty for Disobedience of Summons, &c.

No Witness or Justice to be incompetent on the Ground of Rateability.

Payment of Penalties;

CXXIX. And be it enacted, That the Justices of the Peace by whom any Person shall be summarily convicted and adjudged to pay any Sum of Money for any Offence against this Act may adjudge that such Person shall pay the same either immediately or within such Period as the said Justices shall think fit; and in case such Sum of Money shall not be paid at the Time so appointed the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender, with the reasonable Charges of such Distress; and for Want of sufficient Distress such Offender shall be imprisoned, with or without hard Labour, in the Common Gaol or House of Correction, as to the convicting Justices shall seem meet, for any Term not exceeding One Calendar Month where the Sum to be paid shall not exceed Five Pounds, and for any Term not exceeding Two Calendar Months in any other Case, the Imprisonment to cease in each of the Cases aforesaid upon Payment of the Sum due.

may be levied by Distress;

or Offender imprisoned.

Form of Conviction.

CXXX. And be it enacted, That the Justices of the Peace before whom any Person shall be summarily convicted of any Offence against this Act may cause the Conviction to be drawn up in the following Form of Words, or in any other Words to the like Effect, as the Case may require; (that is to say,)

' **BE** it remembered, That on the Day of  
 ' to wit, } in the Year of our Lord  
 ' in the Borough of in the County of  
 ' *A. O.* is convicted before us, *J.P.* and *J.J.P.*, Two of His Ma-  
 ' jesty's Justices of the Peace for the said County [*or Borough, or*  
 ' *otherwise, as the Case may be*], for that the said *A. O.* did [*here*  
 ' *specify the Offence, and the Time and Place when and where the*  
 ' *same was committed, as the Case may be*]; and we do adjudge  
 ' that the said *A. O.* shall for the said Offence forfeit the Sum of  
 ' and shall pay the same immediately [*or shall*  
 ' pay the same on or before the Day of ]  
 ' to the Treasurer for the said Borough, to be by  
 ' him applied according to the Directions of the Statute in that  
 ' Case made and provided. Given under our Hands the Day and  
 ' Year first above mentioned.'

CXXXI. And be it enacted, That any Person who shall think  
 himself aggrieved by any summary Conviction in pursuance of this  
 Act may appeal to the next Court of General or Quarter Sessions  
 of the Peace to be holden not less than Twelve Days after such  
 Conviction for the County or for the Borough wherein the Cause of  
 Complaint shall have arisen, provided that such Person shall give to  
 the Complainant a Notice in Writing of such Appeal, and of the  
 Cause and Matter thereof, within Three Days after such Conviction,  
 and Seven clear Days at the least before such Sessions, and shall  
 also either remain in Custody until the Sessions, or enter into a  
 Recognizance, with a sufficient Surety, before a Justice of the Peace,  
 within such Three Days, or at any Time during his Custody, on  
 giving to the Complainant Three Days Notice in Writing of his  
 Intention so to do, and of the Name, Description, and Place of Abode  
 of his proposed Surety, conditioned personally to appear at the said  
 Sessions, and to try such Appeal, and to abide the Judgment of the  
 Court thereupon, and to pay such Costs as shall be by the Court  
 awarded; and upon such Notice being given and such Recognizance  
 entered into the Justice before whom the same shall be entered into  
 shall liberate such Person if in Custody; and the Court at such Ses-  
 sions shall hear and determine the Matter of the Appeal, and shall  
 make such Order therein, with or without Costs to either Party, as  
 to the Court shall seem meet, and in case of the Dismissal of the  
 Appeal or the Affirmance of the Conviction shall order and ad-  
 judge the Offender to be dealt with and punished according to the  
 Conviction, and to pay such Costs as shall be awarded, and shall,  
 if necessary, issue Process for enforcing such Judgment.

Appeal against  
 Convictions un-  
 der this Act.

CXXXII. And be it enacted, That no Conviction, Order, War-  
 rant, or other Matter made or purporting to be made by virtue of  
 this Act shall be quashed for Want of Form, or be removed by  
 Certiorari or otherwise into any of His Majesty's Courts of Record  
 at *Westminster*; and no Warrant of Commitment shall be held void  
 by reason of any Defect therein, provided that it be therein alleged  
 that it is founded on a Conviction, and there be a good and valid Con-  
 viction to sustain the same; and where any Distress shall be made  
 for levying any Money by virtue of this Act the Distress itself shall  
 not be deemed unlawful, nor the Party making the same be deemed  
 a Trespasser, on account of any Defect or Want of Form in the  
 Summons, Conviction, Warrant of Distress, or other Proceedings  
relating

No Certiorari,  
 &c.

As to Informa-  
 lity in War-  
 rants, &c.

relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage, if any, in an Action upon the Case.

Venue in Proceedings against Persons acting under this Act.

CXXXIII. And for the Protection of Persons acting in the Execution of this Act, be it enacted, That all Actions and Prosecutions to be commenced against any Person for any thing done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Calendar Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Calendar Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought by or on behalf of the Defendant; and if a Verdict shall pass for the Defendant, or the Plaintiff shall become Nonsuit, or discontinue any such Action after Issue joined, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant hath by Law in other Cases.

Notice of Action.

General Issue.

Tender of Amends, &c.

Jurisdiction of the Cinque Ports preserved.

CXXXIV. And be it enacted, That the Courts of Quarter Sessions of the Peace of the Towns and Ports of *Hastings, Sandwich, Dovor, and Hythe*, and of the ancient Town of *Rye*, or of such of the said Towns and Ports and ancient Town to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace, shall have Jurisdiction over Offences and Matters committed, arising, and happening as well within the Boundaries of such Towns and Ports and ancient Town respectively as within the ancient Members and Liberties not being Corporate of the same respectively, and also within the Towns named in the Schedule to this Act which are ancient Corporate Members and Liberties of the said Towns and Ports and ancient Town respectively, and to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace; and also any or either of the said Towns and Ports of *Hastings, Sandwich, Dovor, and Hythe*, and ancient Town of *Rye*, to which His Majesty shall not grant a separate Court of Quarter Sessions of the Peace, and their or its Members and Liberties, shall for all Purposes relating to the Jurisdiction of Courts of Quarter Sessions of the Peace be respectively within the Jurisdiction of the Courts of Quarter Sessions of the Peace of the nearest other of the said Towns and Ports or ancient Town to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace; and the Recorders, Clerks of the Peace, and Coroners of the said Towns and Ports and ancient Town respectively, or of such of them to which His Majesty shall grant a separate Court of Quarter Sessions of the Peace respectively, shall and may have and exercise the same Jurisdiction, Powers, and Authorities within all Places within or subject to the Jurisdiction of such Courts respectively,

tively, as within the said ancient Towns and Ports and ancient Town respectively of which they are or may be appointed Recorders, Clerks of the Peace, or Coroners.

CXXXV. And be it enacted, That the Justices of the Peace of the Towns and Ports of *Hastings*, *Sandwich*, *Dovor*, and *Hythe*, and of the ancient Town of *Rye*, or of such of the said Towns and Ports and ancient Town as shall have Justices of the Peace assigned to them by virtue of this Act, shall and may have and exercise the same Jurisdiction, Powers, and Authorities over Offences and Matters committed, arising, and happening within the ancient Members and Liberties not being Corporate of such Towns and Ports and ancient Town respectively, as such Justices shall and may have and exercise within the Towns and Ports and ancient Town for which they are or may be respectively Justices of the Peace; and also His Majesty's Justices of the Peace, acting under the Authority of a Commission or Commissions, issued by virtue of an Act passed in the Fifty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to facilitate the Execution of Justice within the Cinque Ports*, shall and may have and exercise all the Jurisdiction, Powers, and Authorities given to such Justices by such Act of Parliament, as well within the Members and Liberties not being Corporate of the said Towns and Ports and ancient Town respectively as within the said Towns named in the Schedules to this Act being Corporate Members and Liberties thereof, or any of them, or any of the said Towns and Ports and ancient Town which shall not have Justices of the Peace assigned to them by virtue of this Act: Provided always, that nothing herein contained shall affect the Liability of all Inhabitant Householders within any of the Members and Liberties of the *Cinque Ports* and ancient Towns thereof, not being Corporate, to serve on Juries at Quarter Sessions as heretofore.

Jurisdiction of the Cinque Ports further preserved.

51. G. 3. c. 36.

Proviso as to Juries in the Cinque Ports Liberties.

CXXXVI. Provided always, and be it enacted, That nothing contained in this Act shall alter or affect certain Letters Patent bearing Date in the Fifth Year of the Reign of His Majesty King *Edward* the Sixth, founding a Free Grammar School at *Louth*, in the County of *Lincoln*, and creating a Body Corporate for the Management and Regulation thereof, and for the Benefit of Twelve poor Persons mentioned in the said Letters Patent, by the Name of the "Warden and Six Assistants of the Town of *Louth* and Free School of King *Edward* the Sixth in *Louth*;" but that the said Warden and Assistants shall continue and be a Body Corporate with perpetual Succession under the Provisions of the said Letters Patent, for the Management and Regulation of the said School and the Purposes aforesaid only, and shall remain and be seised of and entitled to all Lands, Tolls, Tenements, and Hereditaments now vested in them for the Purposes therein mentioned, in the same Manner to all Intents and Purposes as if this Act had not been passed.

Act not to affect Letters Patent founding a Grammar School at Louth.

CXXXVII. And be it enacted, That nothing in this Act contained shall be construed to alter or affect the Rights or Privileges, Duties or Liabilities, of the Chancellor, Masters, and Scholars of the Universities of *Oxford* or *Cambridge* respectively, as by Law possessed under the respective Charters of the said Universities or otherwise, or to entitle any Person to be enrolled a Citizen of the City of *Oxford* or Burgess of the Borough of *Cambridge*, by reason

Saving of the Rights of the Universities of Oxford and Cambridge.

of his Occupation of any Rooms, Chambers, or Premises in any of the Colleges or Halls of the Universities of *Oxford* or *Cambridge*, or either of them, or to compel any resident Member of either of the said Universities to accept any Office in or under the Body Corporate of the Mayor and Citizens of the City of *Oxford*, or of the Mayor and Burgesses of the Borough of *Cambridge*, or to authorize the Levy of any Rate within the Precincts of the said Universities, or of any of the Colleges or Halls of the same, which now by Law cannot be levied therein.

Not to affect Jurisdiction over Precincts of Cathedrals, nor Rights of University of Durham.

CXXXVIII. And be it enacted, That all the Jurisdictions and Authorities now exercised in and over the Precinct or Close of any Cathedral shall be continued, as if this Act had not been passed, concurrently with the Jurisdiction and Authority of the Justices of the Peace of the Borough within which such Close is situated; and that nothing herein contained shall affect or interfere with the Rights and Privileges granted by Charter or Act of Parliament to the University of *Durham*.

In Cases where Bodies Corporate are seised in their Corporate Capacity of Advowsons, &c. the same may be sold as Ecclesiastical Commissioners may direct.

CXXXIX. And be it enacted, That in every Case in which any Body Corporate, or any particular Class, Number, or Description of Members, or the governing Body of any Body Corporate, now is or are in their Corporate Capacity, and not as charitable Trustees, according to the Meaning and Provisions of this Act, seised or possessed of any Manors, Lands, Tenements, or Hereditaments whereunto any Advowson or Right of Nomination or Presentation to any Benefice or Ecclesiastical Preferment is appendant or appurtenant, or of any Advowson in gross, or hath or have any Right or Title to nominate or present to any Benefice or Ecclesiastical Preferment, every such Advowson and every such Right of Nomination and Presentation shall be sold at such Time and in such Manner as the Commissioners appointed by His Majesty to consider the State of the Established Church in *England* and *Wales* with reference to Ecclesiastical Duties and Revenues may direct, so that the best Price may be obtained for the same; and it shall be lawful for the Council of such Body Corporate, and they are hereby authorized and required, with the Consent of the said Commissioners or any Three or more of them, in Writing under their Hands, to convey and assure under the Common Seal of such Body Corporate such Advowson or such Right of Nomination or Presentation as aforesaid to the Purchaser or Purchasers thereof respectively, his or their Heirs, Executors, Administrators, and Assigns, or to such Uses as he or they shall direct; and the Proceeds of every such Sale shall be paid to the Treasurer of the Borough, whose Receipt shall be a sufficient and effectual Discharge to the Purchaser or Purchasers to whom the same shall be given for the Amount of his or their Purchase Money, and shall be by him invested in Government Securities for the Use of the Body Corporate, and the annual Interest payable thereon shall be carried to the Account of the Borough Fund: Provided always, that in any Case of Vacancy arising before any such Sale shall have taken place and been completed, such Vacancy shall be supplied by the Presentation or Nomination of the Bishop or Ordinary of the Diocese in which such Benefice or Ecclesiastical Preferment is situated.

Vacancy arising before Sale to be supplied by Bishop of the Diocese.

Periods connected with first Registration

CXL. And whereas it may happen that the several Provisions of this Act cannot be carried into effect within the several Periods  
in

‘ in the present Year herein-before specified and limited in that Behalf;’ be it therefore enacted, That it shall be lawful for His Majesty, if He shall think fit, by the Advice of His Privy Council, to order any Days and Times before the First Day of *February* next for doing the several Matters required or authorized by this Act to be done, in lieu of the several Days and Times for the present Year herein-before specified, or any of them; and in such Case all Matters mentioned in such Order shall be done on and within such Days and Times as shall be mentioned respectively in that Behalf in such Order, as if the Days and Times mentioned in such Order had in every Instance been mentioned in this Act instead of the Days and Times herein-before respectively mentioned in that Behalf, and not otherwise: Provided always, that nothing herein contained shall authorize His Majesty to appoint any Days or Times other than are herein-before specified for any Matters required or authorized by this Act to be done after the Expiration of this present Year: Provided also, that no Person shall be entitled to be enrolled in the Burgess Roll of any Borough in this present Year unless he would have been entitled on the last Day of *August* in this Year to have his Name included in some Overseer’s List, if such List had been made out on the Fifth Day of *September* in this Year.

and Election may be deferred by Order in Council.

CXLI. ‘ And whereas sundry Towns and Boroughs of *England* and *Wales* are not Towns Corporate, and it is expedient that ‘ several of them should be incorporated;’ be it enacted, That if the Inhabitant Householders of any Town or Borough in *England* and *Wales* shall petition His Majesty to grant to them a Charter of Incorporation, it shall be lawful for His Majesty, by any such Charter, if He shall think fit, by Advice of His Privy Council, to grant the same, to extend to the Inhabitants of any such Town or Borough within the District to be set forth in such Charter the Powers and Provisions in this Act contained: Provided nevertheless, that Notice of every such Petition, and of the Time when it shall please His Majesty to order that the same be taken into consideration by His Privy Council, shall be published by Royal Proclamation in the *London Gazette* One Month at least before such Petition shall be so considered.

The King empowered to grant Charters of Incorporation.

CXLII. And be it enacted, That in the Construction of this Act the Word “ Borough ” shall be construed to mean City, Borough, Port, Cinque Port, or Town Corporate, named in One of the said Schedules (A.) and (B.); and the Words “ Body Corporate ” shall be construed to mean Body Corporate named in One of the said Schedules (A.) and (B.); and the Word “ Burgess ” shall be construed to mean Citizen in the Case of a City; and the Word “ County ” shall be construed to mean County, Riding, Parts, Liberty, or Division; and the Word “ Trustees ” shall be construed to mean Trustees, Commissioners, or Directors, or the Persons charged with the Execution of a Trust or public Duty, by whatever Name they are designated; and the Word “ Parish ” shall be construed to mean Parish, Township, Vill, Hamlet, Chapelry, Tithing, District, Precinct, or Place maintaining its own Poor; and the Words “ Overseers of the Poor ” shall be construed to mean all Persons who execute the Duties of Overseers of the Poor; and that in all Things herein-before provided to be done, until the First Election of Councillors in any Borough under this

Interpretation Clause.

Act

Act shall have been declared, the Word " Mayor " shall be construed to mean the Chief Officer of a Borough, by whatever Name he is now called; and in describing any Person or Thing, any Word importing the Singular Number shall be construed to mean also several Persons or Things respectively, unless there be something in the Subject or Context repugnant to such Construction; and that no Misnomer or inaccurate Description of any Person, Body Corporate, or Place named in any Schedule to this Act annexed, or in any Roll, List, Notice, or Voting Paper required by this Act, shall hinder the full Operation of this Act with respect to such Person, Body Corporate, or Place, provided that the Description of such Person, Body Corporate, or Place be such as to be commonly understood.

Act may be altered this Session.

CXLIII. And be it enacted, That this Act may be altered or amended by any Act to be passed in this present Session of Parliament.

## SCHEDULES to which this Act refers.

### SCHEDULE (A.)

#### ENGLAND AND WALES.

#### BOROUGHS which are to have a COMMISSION of the PEACE.

#### SECTION I.—PARLIAMENTARY BOUNDARIES to be taken until altered by Parliament.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Aberystwith -	0	4	12	Mayor and Burgesses of the Town, Borough, and Liberty of Aberystwith.
Abingdon -	0	4	12	Mayor, Bailiffs, and Burgesses of the Borough of Abingdon.
Barnstaple -	2	6	18	Mayor, Aldermen, and Burgesses of the Borough and Parish of Barnstaple in the County of Devon.
Bath - -	7	14	42	Mayor, Aldermen, and Citizens of the City of Bath.
Bedford -	2	6	18	Mayor, Bailiffs, and Burgesses of the Town of Bedford.
Berwick-upon-Tweed.	3	6	18	Mayor, Bailiffs, and Burgesses of the Borough of Berwick-upon-Tweed.
Bridgewater -	2	6	18	Mayor, Aldermen, and Burgesses of the Borough of Bridgewater.
Bridport -	2	6	18	Bailiffs and Burgesses of the Borough of Bridport.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Bristol -	10	16	48	Mayor, Burgesses, and Commonalty of the City of Bristol.
Bury St. Edmund's.	3	6	18	Alderman and Burgesses of Bury St. Edmunds in the County of Suffolk.
Cambridge -	5	10	30	Mayor, Bailiffs, and Burgesses of the Borough of Cambridge.
Canterbury -	3	6	18	Mayor and Commonalty of the City of Canterbury.
Cardiff -	2	6	18	Bailiffs, Aldermen, and Burgesses of the Town of Cardiff.
Carlisle -	5	10	30	Mayor, Aldermen, Bailiffs, and Citizens of the City of Carlisle.
Carmarthen -	3	6	18	Mayor, Burgesses, and Commonalty of the Borough of Carmarthen.
Caernarvon -	2	6	18	Mayor, Bailiffs, and Burgesses of the Town and Borough of Caernarvon.
Chester -	5	10	30	Mayor and Citizens of the City of Chester.
Chichester -	2	6	18	Mayor, Aldermen, and Citizens of the City of Chichester.
Colchester -	3	6	18	Mayor and Commonalty of the Borough of Colchester.
Dartmouth -	0	4	12	Mayor, Bailiffs, and Burgesses of the Borough of Clifton Dartmouth Hardness in the County of Devon.
Denbigh -	0	4	12	Aldermen, Bailiffs, and Burgesses of the Borough of Denbigh.
Derby -	6	12	36	Mayor, Aldermen, and Burgesses of the Borough of Derby.
Devizes -	2	6	18	Mayor and Burgesses of the Borough of Devizes.
Dorchester -	0	4	12	Mayor, Bailiffs, Aldermen, and Burgesses of the Borough of Dorchester in the County of Dorset.
Dovor - -	3	6	18	Mayor, Jurats, and Commonalty of the Town and Port of Dover.
Durham -	3	6	18	Mayor, Aldermen, and Commonalty of the City of Durham and Framwelgate.
Evesham -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Evesham.
Gateshead -	3	6	18	Boroughholders and Freemen of the Borough of Gateshead.
Gloucester -	3	6	18	Mayor and Burgesses of the City of Gloucester, in the County of the City of Gloucester.
Guildford -	0	4	12	Mayor and Burgesses of the Town of Guildford in the County of Surrey.
Harwich -	0	4	12	Mayor and Burgesses of the Borough of Harwich.



Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Haverfordwest	0	4	12	Mayor, Sheriffs, Bailiffs, and Burgesses of the County of the Town of Haverfordwest, or of the Town and County of the Town of Haverfordwest.
Hereford -	3	6	18	Mayor, Aldermen, and Citizens of the City of Hereford.
Hertford -	0	4	12	Mayor, Aldermen, and Commonalty of the Borough of Hertford.
Ipswich -	5	10	30	Bailiffs, Burgesses, and Commonalty of the Town or Borough of Ipswich.
Kendal -	3	6	18	Mayor, Aldermen, and Burgesses of the Borough of Kirby-in-Kendal in the County of Westmorland.
Kidderminster	3	6	18	High Bailiff and Commonalty of the Borough of Kidderminster in the County of Worcester.
Kingston-upon-Hull.	7	14	42	Mayor and Burgesses of the Town or Borough of Kingston-upon-Hull.
King's Lynn-	3	6	18	Mayor and Burgesses of the Borough of Lynn Regis.
Leeds - -	12	16	48	Mayor, Aldermen, and Burgesses of the Borough of Leeds in the County of York.
Leicester -	7	14	42	Mayor, Bailiff, and Burgesses of the Borough of Leicester.
Leominster -	0	4	12	Bailiffs and Burgesses of the Borough of Leominster.
Lichfield -	2	6	18	Bailiff and Citizens of the City of Lichfield.
Liverpool -	16	16	48	Mayor, Bailiffs, and Burgesses of the Borough of Liverpool.
Macclesfield-	6	12	36	Mayor, Aldermen, and Burgesses of the Borough of Macclesfield.
Monmouth -	0	4	12	Mayor, Bailiffs, and Commonalty of the Town and Borough of Monmouth.
Neath -	0	4	12	Portreeve, Aldermen, and Burgesses of the Borough of Neath.
Newark -	3	6	18	Mayor and Aldermen of the Borough of Newark in the County of Nottingham.
Newcastle-under-Lyne.	2	6	18	Mayor, Bailiffs, and Burgesses of Newcastle-under-Lyne in the County of Stafford.
Newcastle-upon-Tyne.	7	14	42	Mayor and Burgesses of the Town of Newcastle-upon-Tyne in the County of the Town of Newcastle-upon-Tyne.
Newport, Monmouth.	2	6	18	Mayor, Aldermen, and Burgesses of the Borough of Newport.
Newport (Isle of Wight).	2	6	18	Mayor, Aldermen, and Chief Burgesses of the Borough of Newport in the Isle of Wight in the County of Southampton.
Northampton	3	6	18	Mayor, Bailiffs, and Burgesses of Northampton.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Norwich -	8	16	48	Mayor, Sheriffs, Citizens, and Commonalty of the City of Norwich.
Nottingham -	7	14	42	Mayor and Burgesses of the Town of Nottingham.
Oxford -	5	10	30	Mayor, Bailiffs, and Commonalty of the City of Oxford in the County of Oxford.
Pembroke -	2	6	18	Mayor, Bailiffs, and Burgesses of the Town and Borough of Pembroke.
Poole - -	2	6	18	Mayor, Bailiffs, Burgesses, and Commonalty of the Town of Poole.
Portsmouth -	7	14	42	Mayor, Aldermen, and Burgesses of the Borough of Portsmouth in the County of Southampton.
Preston -	6	12	36	Mayor, Bailiffs, and Burgesses of the Borough of Preston in the County Palatine of Lancaster.
Reading -	3	6	18	Mayor, Aldermen, and Burgesses of the Borough of Reading in the County of Berks.
Ripon - -	0	4	12	Mayor, Burgesses, and Commonalty of the Borough of Ripon in the County of York.
Rochester -	3	6	18	Mayor and Citizens of the City of Rochester in the County of Kent.
St. Albans -	0	4	12	Mayor and Aldermen and Burgesses of the Borough of Saint Albans in the County of Hertford.
Sarum, New -	3	6	18	Mayor and Commonalty of the City of New Sarum in the County of Wilts.
Scarborough -	2	6	18	Bailiffs and Burgesses of the Town of Scarborough.
Shrewsbury -	5	10	30	Mayor, Aldermen, and Burgesses of the Town of Shrewsbury in the County of Salop.
Southampton	5	10	30	Mayor, Bailiffs, and Burgesses of the Town of Southampton.
Stafford -	2	6	18	Mayor, Aldermen, and Burgesses of the Borough of Stafford.
Stamford -	2	6	18	Mayor, Aldermen, and Capital Burgesses of the Town or Borough of Stamford in the County of Lincoln.
Stockport -	7	14	42	Mayor, Aldermen, and Burgesses of the Borough of Stockport.
Sudbury -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Sudbury.
Sunderland -	7	14	42	Mayor, Aldermen, and Commonalty of the Borough of Sunderland.
Swansea -	3	6	18	Portreeve, Aldermen, and Burgesses of the Borough of Swansea.
Tiverton -	3	6	18	Mayor and Burgesses of the Town and Parish of Tiverton in the County of Devon.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Truro - -	2	6	18	Mayor, Aldermen, and Capital Burgesses of the Borough of Truro.
Warwick -	2	6	18	Mayor, Aldermen, and Burgesses of the Borough of Warwick.
Wells - -	0	4	12	Mayor, Masters, and Burgesses of the City or Borough of Wells in the County of Somerset.
Weymouth and Melcombe Regis.	2	6	18	Mayor, Aldermen, Bailiffs, Burgesses, and Commonalty of the Borough and Town of Weymouth and Melcombe Regis in the County of Dorset.
Wigan -	5	10	30	Mayor, Aldermen, and Burgesses of the Borough of Wigan.
Winchester -	3	6	18	Mayor, Bailiffs, and Commonalty of the City of Winchester.
Windsor -	2	6	18	Mayor, Bailiffs, and Burgesses of the Borough of New Windsor in the County of Berks.
Worcester -	6	12	36	Mayor, Aldermen, and Citizens of the City of Worcester.
Yarmouth, Great.	6	12	36	Mayor, Aldermen, Burgesses, and Commonalty of the Borough of Great Yarmouth in the County of Norfolk.

## SECTION 2.—MUNICIPAL BOUNDARIES to be taken until altered by Parliament.

Andevor -	0	4	12	Bailiff, approved Men, and Burgesses of the Borough of Andevor.
Banbury -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Banbury in the County of Oxford.
Beverley -	2	6	18	Mayor, Aldermen, and Burgesses of the Borough of Beverley in the County of York.
Bewdley -	0	4	12	Bailiffs, Burgesses, and Inhabitants of the Town and Borough of Bewdley.
Bideford -	0	4	12	Mayor, Aldermen, and Capital Burgesses of the Borough, Town, and Manor of Bideford in the County of Devon.
Boston -	3	6	18	Mayor, Aldermen, and Burgesses of the Borough of Boston.
Brecon -	0	4	12	Bailiff, Aldermen, and Burgesses of the Borough of Brecon.
Bridgenorth -	0	4	12	Bailiffs, Aldermen, and Burgesses of the Borough of Bridgnorth.
Clitheroe -	0	4	12	Bailiffs and Burgesses of the Borough of Clitheroe in the County of Lancaster.
Chesterfield -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Chesterfield.
Congleton -	3	6	18	Mayor, Aldermen, and Burgesses of the Borough of Congleton in the County of Chester.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Coventry -	6	12	36	Mayor, Bailiffs, and Commonalty of the City of Coventry.
Deal - -	2	6	18	Mayor, Jurats, and Commonalty of the Town of Deal in the County of Kent.
Doncaster -	3	6	18	Mayor, Aldermen, and Burgesses of the Borough of Doncaster in the County of York.
Exeter - -	6	12	36	Mayor, Bailiffs, and Commonalty of the City of Exeter.
Falmouth -	0	4	12	Mayor, Aldermen, and Burgesses of the Town of Falmouth in the County of Cornwall.
Grantham -	0	4	12	Aldermen and Burgesses of the Town or Borough of Grantham.
Gravesend -	2	6	18	Mayor, Jurats, and Inhabitants of the Villages and Parishes of Gravesend and Melton in the County of Kent.
Grimsby -	0	4	12	Mayor and Burgesses of the Town of Grimsby in the County of Lincoln.
Hastings -	3	6	18	Mayor, Jurats, and Commonalty of the Town and Port of Hastings in the County of Sussex.
Kingston upon Thames.	3	6	18	Bailiffs and Freemen of the Borough of Kingston-upon-Thames.
Lancaster -	3	6	18	Mayor, Bailiffs, and Commonalty of the Town of Lancaster in the County Palatine of Lancaster.
Lincoln -	3	6	18	Mayor, Sheriffs, Citizens, and Commonalty of the City of Lincoln.
Liskeard -	0	4	12	Mayor and Burgesses of the Borough of Liskeard otherwise Liskeard in the County of Cornwall.
Louth -	2	6	18	Warden and Six Assistants of the Town of Louth and Free School of King Edward the Sixth in Louth.
Ludlow -	0	4	12	Bailiffs, Burgesses, and Commonalty of the Town and Borough of Ludlow.
Maidstone -	3	6	18	Mayor, Jurats, and Commonalty of the King's Town and Parish of Maidstone in the County of Kent.
Maldon -	0	4	12	Mayor, Aldermen, and Capital Burgesses and Commonalty of Maldon.
Newbury -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Newbury.
Oswestry -	2	6	18	Mayor, Aldermen, Common Councilmen, and Burgesses of Oswestry.
Penzance -	2	6	18	Mayor, Aldermen, and Commonalty of the Town of Penzance in the County of Cornwall.
Plymouth -	6	12	36	Mayor and Commonalty of the Borough of Plymouth.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Pontefract -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough or Town of Pontefract.
Richmond -	0	4	12	Mayor and Aldermen of the Borough of Richmond in the County of York.
Romsey -	0	4	12	Mayor, Aldermen, and Burgesses of the Town of Romsey Infra in the County of Southampton.
St. Ives -	0	4	12	Mayor and Burgesses of the Borough of St. Ives.
Saffron Walden	0	4	12	Mayor and Aldermen of the Town of Saffron Walden in the County of Essex.
Stockton -	2	6	18	Mayor, Aldermen, Burgesses, and Commonalty of the Borough of Stockton.
Tewkesbury -	0	4	12	Bailiffs, Burgesses, and Commonalty of the Borough of Tewkesbury in the County of Gloucester.
Walsall -	3	6	18	Mayor and Commonalty of the Borough and Foreign of Walsall in the County of Stafford.
Welchpool -	0	4	12	Bailiffs and Burgesses of the Borough of Poole in the County of Montgomery.
Wenlock -	3	6	18	Burgesses of the Borough of Wenlock.
Wisbech -	2	6	18	Burgesses of the Borough of Wisbech.
York -	6	12	36	Mayor and Commonalty of the City of York.

## SCHEDULE (B.)

### ENGLAND AND WALES.

BOROUGHS which are not to have a COMMISSION of the PEACE, unless on Petition and Grant.

SECTION 1.—PARLIAMENTARY BOUNDARIES to be taken until altered by Parliament.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Arundel -	0	4	12	Mayor and Burgesses of the Borough of Arundel.
Beaumaris -	0	4	12	Mayor, Bailiff, and Burgesses of the Borough of Beaumaris.
Cardigan -	0	4	12	Mayor, Common Council, and Burgesses of the Town and Borough of Cardigan.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Llanidloes -	0	4	12	Mayor and Burgesses of the Borough of Llanidloes.
Pwllheli -	0	4	12	Mayor, Bailiffs, and Burgesses of the Borough of Pwllheli.
Ruthin -	0	4	12	Aldermen and Burgesses of the Borough of Ruthin.
Tenby -	0	4	12	Mayor, Bailiffs, and Burgesses of the Borough of Tenby.
Thetford -	0	4	12	Mayor and Burgesses of the Borough of Thetford.
Totnes -	0	4	12	Mayor and Burgesses of the Borough of Totnes in the County of Devon.

SECTION 2.—MUNICIPAL BOUNDARIES to be taken until altered by Parliament.

Basingstoke -	0	4	12	Mayor, Aldermen, and Burgesses of the Town of Basingstoke in the County of Southampton.
Beccles -	0	4	12	Portreeve, Surveyors, and Commonalty of the Fen of Beccles in the County of Suffolk.
Blandford Forum.	0	4	12	Bailiff and Burgesses of the Borough of Blandford Forum in the County of Dorset.
Bodmin -	0	4	12	Mayor and Burgesses of the Borough of Bodmin in the County of Cornwall.
Buckingham	0	4	12	Bailiff and Burgesses of the Borough and Parish of Buckingham in the County of Buckingham.
Calne -	0	4	12	Guild Stewards and Burgesses in the Borough of Calne.
Chard -	0	4	12	Portreeve and Burgesses of the Borough of Chard in the County of Somerset.
Chippenham	0	4	12	Bailiffs and Burgesses of the Borough of Chippenham in the County of Wilts.
Chipping Norton.	0	4	12	Bailiffs and Burgesses of the Borough of Chipping Norton in the County of Oxford.
Daventry -	0	4	12	Bailiffs, Burgesses, and Commonalty of the Borough of Daventry in the County of Northampton.
Droitwich -	0	4	12	Bailiffs and Burgesses of the Borough of Wych otherwise Droitwich in the County of Worcester.
Eye - -	0	4	12	Bailiff, Burgesses, and Commonalty of the Town and Burgh of Eye.
Faversham -	0	4	12	Mayor, Jurats, and Commonalty of the Town of Faversham.
Folkestone -	0	4	12	Mayor, Jurats, and Commonalty of the Town of Folkestone.
Flint - -	0	4	12	Mayor, Bailiffs, and Burgesses of the Borough of Flint.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Glastonbury	0	4	12	Mayor and Burgesses of the Town of Glastonbury in the County of Somerset.
Godalming -	0	4	21	Warden and Inhabitants of the Town of Godalming.
Godmanches- ter.	0	4	12	Bailiffs, Assistants, and Commonalty of the Borough of Cirencester alias Godmanchester.
Helstone -	0	4	12	Mayor and Commonalty of the Borough of Helston.
Huntingdon -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Huntingdon.
Hythe -	0	4	12	Mayor, Jurats, and Commonalty of the Town and Port of Hythe in the County of Kent.
Launceston -	0	4	12	Mayor and Commonalty of the Borough of Dunneheved otherwise Launceston.
Llandoverly -	0	4	12	Bailiff and Burgesses of the Borough of Llanymtheverye.
Lyme Regis	0	4	12	Mayor and Burgesses of the Borough of Lyme in the County of Dorset.
Lymington -	0	4	12	Mayor and Burgesses of the Borough of Lymington.
Maidenhead	0	4	12	Mayor, Bridgemasters, and Burgesses of the Town of Maydenheth.
Marlborough	0	4	12	Mayor and Burgesses of the Borough and Town of Marlborough in the County of Wilts.
Morpeth -	0	4	12	Bailiffs and Burgesses of the Borough of Morpeth in the County of Northumberland.
Penryn -	0	4	12	Mayor and Burgesses of Penryn in the County of Cornwall.
Retford, East	0	4	12	Bailiffs and Burgesses of East Retford in the County of Nottingham.
Rye - -	0	4	12	Mayor, Jurats, and Commonalty of the ancient Town of Rye.
Sandwich -	0	4	12	Mayor, Jurats, and Commonalty of the Town and Port of Sandwich in the County of Kent.
Shaftesbury -	0	4	12	Mayor and Burgesses of the Borough of Shafton otherwise Shaftesbury in the County of Dorset.
South Wold -	0	4	12	Bailiffs, Aldermen, and Burgesses of the Borough of South Wold.
South Molton	0	4	12	Mayor and Burgesses of the Borough and Parish of South Molton in the County of Devon.
Stratford-on- Avon.	0	4	12	Mayor, Aldermen, and Burgesses of the Borough of Stratford-upon-Avon.
Tamworth -	0	4	12	Bailiffs and Commonalty of the Borough of Tamworth.
Tenterden -	0	4	12	Mayor, Jurats, and Commons of the Town and Hundred of Tenterden in the County of Kent.

Borough.	Wards.	Aldermen.	Councillors.	Style of Corporate Body.
Torrington -	0	4	12	Mayor, Aldermen, and Burgesses of the Borough and Town of Great Torrington in the County of Devon.
Wallingford -	0	4	12	Mayor, Burgesses, and Commonalty of the Borough of Wallingford.
Wycombe, Chepping.	0	4	12	Mayor, Bailiffs, and Burgesses of the Borough of Chipping Wycombe (otherwise Wicombe) in the County of Buckingham.

SCHEDULE (C.)

Berwick-upon-Tweed.	Northumberland.
Bristol.	Gloucestershire.
Chester.	Cheshire.
Exeter.	Devonshire.
Kingston-upon-Hull.	Yorkshire.
Newcastle-upon-Tyne.	Northumberland.

SCHEDULE (D.)

No. 1.

THE LIST OF BURGESSES of the Borough of \_\_\_\_\_ in the Parish [or Township] of \_\_\_\_\_

Christian Name and Surname of each Person at full Length.	Nature of the Property rated.	Street, Lane, or other Place in this Parish [or Township] where the Property is situated for which he is now rated.
Ashton, John - -	Shop -	No. 23, Church Street.
Bates, Thomas - -	House -	- - - Brook's Farm.

(Signed) *A.B.* } Overseers of the said Parish  
*C.D.* } [or Township].

No. 2.

NOTICE OF CLAIM.

To the Town Clerk of the Borough of \_\_\_\_\_

I HEREBY give you Notice, That I claim to have my Name inserted in the Burgess List of the Borough of \_\_\_\_\_ that I occupy [here describe the House, Warehouse, Counting-house, or Shop then occupied by the Claimant] in the Borough, and that I have been rated in the Parish of \_\_\_\_\_ [here state the Parish or several Parishes, and the Time during which the Claimant has been rated in each of them within the Borough, necessary for his Qualification].

Dated the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_  
 (Signed) John Allen of [Place of Abode].



## No. 3.

## NOTICE OF OBJECTION.

To the Town Clerk of the Borough of \_\_\_\_\_ [or to the Person  
objected to, as the Case may be].

I HEREBY give you Notice, That I object to the Name of Thomas Bates of  
Brook's Farm in the Parish of \_\_\_\_\_ [describe the Person objected  
to as described in the Burgess List] being retained on the Burgess List] of the  
Borough of \_\_\_\_\_

Dated the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_  
(Signed) John Ashton of [here state the Place of Abode and  
Property for which he is said to  
be rated in the Burgess List].

## No. 4.

## LIST OF CLAIMANTS.

The following Persons claim to have their Names inserted on the Burgess  
List of the Borough of \_\_\_\_\_

Christian Name and Surname of each Claimant.	Nature of the Property for which he is now rated.	Situation of the Property for which he is now rated.	Parish [or Parishes] in which he has been rated, as stated in the Claim.
Allen, John -	House -	No. 17, High Street.	Rated in the last Year in Saint Mary's Parish in the Borough, and in the Two preceding Years in Saint James's Parish in the Borough.

(Signed) A.B. Town Clerk.

## No. 5.

## LIST OF PERSONS OBJECTED TO.

The following Persons have been objected to as not being entitled to have  
their Names retained on the Burgess List of the Borough of \_\_\_\_\_

Christian Name and Surname of each Person objected to.	Nature of the Property for which he is now rated.	Situation of the Property for which he is said to be now rated in the Overseer's List.	Parish in which is the Property for which he is now said to be rated in the Overseer's List.
Bates, Thomas -	House	Brook's Farm - -	Saint James'.

(Signed) A.B. Town Clerk.

## SCHEDULE (E.)

**ABINGDON :**

An Act for better paving, lighting, watching, and otherwise improving the Town of Abingdon in the County of Berks, for removing Nuisances, Annoyances, and Encroachments therein, and for preventing the same in future. [6 Geo. 4. c. 189.]

**ARUNDEL :**

An Act for the better paving, cleansing, and lighting the Streets, Lanes, Ways, and Passages within the Borough of Arundel in the County of Sussex, and for removing and preventing Encroachments, Obstructions, and Annoyances therein. [25 Geo. 3. c. 90.]

**BANBURY :**

An Act for paving, cleansing, lighting, watching, and otherwise improving the several Streets, Lanes, public Passages and Places in the Borough of Banbury in the County of Oxford. [5 Geo. 4. c. 130.]

**BARNSTAPLE :**

An Act for paving, improving, and regulating the Streets and public Places in the Borough and Parish of Barnstaple, and for better Regulation of the present Markets, and providing others therein. [51 Geo. 3. c. 154.]

**BASINGSTOKE :**

An Act for paving the Footways and Crosspaths, and lighting, watching, cleansing, widening, and otherwise improving the Streets, Lanes, and other public Passages and Places in the Town of Basingstoke in the County of Southampton. [55 Geo. 3. c. 7.]

**BATH :**

An Act for paving, cleansing, lighting, watching, and regulating the Streets, Squares, Lanes, Ways, Passages, and public Places within such Part of the Parish of Walcot in the County of Somerset as is not within the Circuit, Precinct, and Jurisdiction of the City of Bath in the same County ; and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions, and for establishing a proper and effective Police therein ; and for licensing and regulating Hackney Coaches, Chairs, Porters, Basket Men, and Basket Women within the said City of Bath, and a certain Distance thereof. [33 Geo. 3. c. 89.]

An Act for paving, steaning, cleansing, watering, lighting, watching, and regulating the Streets, Squares, Lanes, Ways, Passages, and public Places within the Parish of Bathwick in the County of Somerset, and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions, and for establishing a proper and effective Police therein. [41 Geo. 3. c. 126.]

An Act for better paving, cleansing, lighting, watching, regulating, and improving the City of Bath, and the Liberties and Precincts thereof. [54 Geo. 3. c. 105.]

An Act to amend an Act of His late Majesty, for paving, cleansing, lighting, watching, and regulating the Streets and public Places within such Part of the Parish of Walcot in the County of Somerset as is not within the City of Bath. [6 Geo. 4. c. 74.]

**BECCLES :**

An Act for paving, lighting, cleansing, and otherwise improving the Streets and other public Passages and Places within the Town of Beccles in the County of Suffolk. [36 Geo. 3. c. 51.]

**BEDFORD :**

An Act for the Improvement of the Town of Bedford in the County of Bedford, and for rebuilding the Bridge over the River Ouze in the said Town. [43 Geo. 3. c. 128.]

An Act for amending and enlarging the Powers of an Act of His present Majesty, intituled "An Act for the Improvement of the Town of Bedford in the County of Bedford, and for rebuilding the Bridge over the River Ouze in the said Town." [50 Geo. 3. c. 82.]

**BERWICK-UPON-TWEED :**

An Act for lighting the Streets and Lanes of the Borough of Berwick-upon-Tweed, and the Quays and Wharfs belonging to the said Borough, and that Part of the Bridge over the River Tweed which lies within the Liberties of the said Borough, and also the Street of Castlegate within the said Borough or the Liberties thereof; and for paving the Footpaths of the Streets of the said Borough and of Castlegate aforesaid; and for preventing Obstructions, Nuisances, and Annoyances therein. [40 Geo. 3. c. 25.]

**BEVERLEY :**

An Act for lighting, watching, and regulating the Streets and Lanes and other public Passages and Places in the Town of Beverley in the County of York. [48 Geo. 3. c. 87.]

An Act to amend and enlarge the Powers of an Act passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, for lighting, watching, and regulating the Streets, Lanes, and other public Passages and Places within the Town of Beverley in the County of York. [6 Geo. 4. c. 138.]

**BOSTON :**

An Act for lighting and watching the Streets, Lanes, and other public Passages and Places within the Borough of Boston in the County of Lincoln, and for removing and preventing Nuisances, Annoyances, and Obstructions therein. [16 Geo. 3. c. 25.]

An Act for the better paving, cleansing, and otherwise improving the Borough of Boston in the County of Lincoln. [32 Geo. 3. c. 80.]

An Act for amending and rendering more effectual an Act passed in the Thirty-second Year of His present Majesty, for better paving, cleansing, and otherwise improving the Borough of Boston in the County of Lincoln. [46 Geo. 3. c. 40.]

An Act for amending and rendering more effectual an Act passed in the Sixteenth Year of His present Majesty, for lighting and watching the Streets, Lanes, and other public Passages and Places within the Borough of Boston in the County of Lincoln, and for removing and preventing Nuisances therein. [46 Geo. 3. c. 41.]

**BRECKNOCK :**

An Act for supplying the Borough and Town of Brecknock, and Liberties thereof, with Water; and for paving, cleansing, regulating, and lighting the Streets, Lanes, and public Passages there; and for widening and making commodious some of the said Streets, Lanes, and Passages. [16 Geo. 3. c. 56.]

**BRIDGEWATER :**

An Act to enlarge the Market House and regulating the Markets within the Borough of Bridgewater in the County of Somerset; for paving, cleansing, lighting, and watching the Streets, Lanes, and other public Passages and Places within the said Borough or adjacent thereto; and for the Improvement thereof. [7 Geo. 4. c. 7.]

**BRIDPORT :**

An Act for taking down the Market House in the Borough of Bridport in the County of Dorset, and rebuilding the same, together with a Session or Court House, in a more convenient Situation ; for removing the Shambles or Butchers' Row ; for paving, cleansing, lighting, and watching the said Borough ; for removing and preventing Nuisances and Annoyances ; and for prohibiting the covering of any new Houses or Buildings within the Borough with Thatch.

**BRISTOL :**

[25 Geo. 3.]

An Act for the better preserving the Navigation of the Rivers Avon and Frome, and for cleansing, paving, and lighting the Streets of the City of Bristol.

[11 Will. 3. c. 23.]

An Act for making more effectual an Act passed in the Eleventh and Twelfth Years of the Reign of King William the Third, for the better preserving the Navigation of the Rivers Avon and Frome, and for cleansing, paving, and enlightening the Streets of the City of Bristol, so far as the same Act relates to the paving and enlightening the said Streets ; and for the regulating Hackney Coachmen, Halliers, Draymen, and Carters, and the Markets and Sellers of Hay and Straw, within the said City and Liberties thereof.

[22 Geo. 2.]

An Act for establishing, maintaining, and well-governing a Nightly Watch within the City of Bristol.

[28 Geo. 2. c. 32.]

An Act to explain and render more effectual an Act made in the last Session of Parliament, intituled "An Act for establishing, maintaining, and well-governing a Nightly Watch within the City of Bristol."

[29 Geo. 2. c. 47.]

An Act for widening several Streets, Lanes, Ways, and Passages within the City of Bristol, and for opening several new Streets and Passages within the same ; and for explaining, amending, and enlarging the Powers of the several Acts passed for paving, cleansing, lighting, watching, and regulating the Streets and other Places within the said City and Liberties thereof.

[6 Geo. 3. c. 34.]

An Act for removing and preventing Encroachments, Obstructions, Annoyances, and other Nuisances within the City of Bristol and the Liberties thereof ; and for licensing and better regulating Hackney Coaches, Chairs, Waggon, Carts, and other Carriages, and the Owners, Drivers, and Carriers thereof respectively, and Porters and other Persons, within and for certain Distances round the said City and Liberties ; and for better regulating the Shipping and Trade, and the Rivers, Wharfs, Backs, and Quays, and the Markets, within the same City and Liberties ; and for other Purposes.

[23 Geo. 3. c. 65.]

An Act for amending, altering, and enlarging the Powers of several Acts passed for paving, pitching, cleansing, and lighting the Streets and other Places within the City of Bristol and Liberties thereof.

[46 Geo. 3. c. 26.]

An Act for the Employment, Maintenance, and Regulation of the Poor of the City of Bristol, and for altering the Mode of assessing the Rates for the Relief of the Poor, and certain Rates authorized to be raised and levied within the said City by certain Acts for improving the Harbour there, and for paving, pitching, cleansing, and lighting the same City ; and for the Relief of the Churchwardens and Overseers from the collecting of such Rates ; and for amending the Act for paving, pitching, cleansing, and lighting the said City.

[3 Geo. 4. c. 24.]

**BRISTOL—cont.**

An Act for repairing, lighting, and watching the District of the United Parishes of Saint James and Saint Paul in the County of Gloucester, and for the Care of the Poor thereof. [2 Geo. 4. c. 89.]

An Act for lighting and watching the Parish of Clifton in the County of Gloucester. [5 Geo. 4. c. 79.]

**BURY SAINT EDMUND'S :**

An Act for better paving, lighting, cleansing, watching, and otherwise improving the Town of Bury Saint Edmund's in the County of Suffolk. [51 Geo. 3. c. 9.]

An Act to amend, extend, and render more effectual an Act of His late Majesty, for paving, lighting, cleansing, watching, and otherwise improving the Town of Bury Saint Edmund's in the County of Suffolk. [1 Geo. 4.]

**CAMBRIDGE :**

An Act for better paving, cleansing, and lighting the Town of Cambridge, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within the said Town. [28 Geo. 3. c. 64.]

An Act to amend and enlarge the Powers of an Act passed in the Twenty-eighth Year of the Reign of His present Majesty, intituled "An Act for the better paving, cleansing, and lighting the Town of Cambridge, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within the said Town." [34 Geo. 3. c. 104.]

**CANTERBURY :**

An Act for paving, cleansing, lighting, and watching the Streets, Lanes, and other public Passages and Places within the Walls of the City of Canterbury and the Liberties thereof, and also several Streets and other Places near or adjoining to the said City; and for removing and preventing Incroachments, Obstructions, Nuisances, and Annoyances therein. [27 Geo. 3. c. 31.]

**CARDIFF :**

An Act for better paving, cleansing, and lighting the Streets, Lanes, and public Passages in the Town of Cardiff, and Liberties thereof, in the County of Glamorgan, and for removing and preventing Nuisances and Annoyances therein. [Geo. 3. c. 7.]

**CARLISLE :**

An Act for lighting the Streets, Lanes, and other public Passages and Places within the City of Carlisle in the County of Cumberland, and the Suburbs of the said City; for paving the Footpaths of the Streets of the said City and Suburbs; and for otherwise improving the said City. [44 Geo. 3. c. 58.]

An Act for watching, regulating, and improving the City of Carlisle and the Suburbs thereof. [7 & 8 Geo. 4. c. 86.]

**CHESTER :**

An Act for better regulating the Poor, maintaining a Nightly Watch, lighting, paving, and cleansing the Streets, Rows, and Passages, providing Fire Engines and Firemen, and regulating the Hackney Coachmen, Chairmen, Carmen, and Porters, within the City of Chester. [2 Geo. 3.]

An Act to amend, alter, and enlarge the Powers of an Act passed in the Second Year of the Reign of His present Majesty, so far as the same relates to maintaining a Nightly Watch, and lighting and cleansing the Streets, Rows, and Passages, within the City of Chester,

**CHESTER—cont.**

and for preventing Nuisances and Annoyances in the Streets, Rows, and Passages within the said City, and for regulating and improving the Police thereof. [43 Geo. 3. c. 47.]

**CHICHESTER :**

An Act for repealing an Act made in the Eighteenth Year of the Reign of Queen Elizabeth, intituled "An Act for paving of the City of Chichester;" and for the better paving, repairing, and cleansing the Streets, Lanes, and public Ways and Passages within the Walls of the said City, and for removing and preventing Incroachments, Obstructions, and Annoyances therein. [31 Geo. 3. c. 63.]

An Act for better lighting and for watching the City of Chichester and Places adjacent. [1 & 2 Geo. 4. c. 68.]

**CHEPPING WYCOMBE :**

An Act for paving, widening, cleansing, watching, lighting, and regulating the Streets and other public Places within the Borough of Chepping-Wycombe in the County of Bucks, and for removing and preventing Nuisances and Obstructions therein.

[53 Geo. 3. c. 164.]

**CHIPPENHAM :**

An Act for lighting, watching, cleansing, paving, and otherwise improving the Town of Chippenham in the County of Wilts.

[4 Will. 4. c. 47.]

**COVENTRY :**

An Act for the better paving, cleansing, lighting, and watching the City of Coventry and the Suburbs thereof, and removing and preventing Nuisances and Annoyances therein; and for regulating the public Wells and Pumps within the said City and Suburbs.

[30 Geo. 3. c. 77.]

**DARTMOUTH :**

An Act for building a Market House in the Borough of Clifton Dartmouth Hardness in the County of Devon, and for better paving, lighting, widening, and improving the Streets and other public Places within the said Borough.

[55 Geo. 3. c. 28.]

**DAVENTRY :**

An Act for paving, cleansing, lighting, and watching the Town of Daventry in the County of Northampton, and for regulating the Market there, and for enabling the Bailiff, Burgesses, and Commonalty of the Borough of Daventry to purchase the Moot-Hall, and to rebuild the same.

[46 Geo. 3. c. 118.]

**DEAL :**

An Act for more effectually paving, cleansing, lighting, and watching the Highways, Streets, and Lanes within the Town and Borough of Deal in the County of Kent, and for removing and preventing Encroachments, Nuisances, and Annoyances therein.

[52 Geo. 3. c. 73.]

**DERBY :**

An Act for paving, cleansing, lighting, and otherwise improving the Streets, Lanes, and other public Passages and Places within the Borough of Derby, and for selling a certain Piece of Waste Ground situate within the said Borough, called Nun's Green, towards defraying the Expence of the said Improvements.

[32 Geo. 3. c. 78.]

An Act for better paving and otherwise improving the Borough of Derby.

[6 Geo. 4. c. 132.]

**DEVIZES :**

An Act for amending, regulating, cleansing, lighting, watching, and keeping in repair the Streets, Lanes, and Passages within the Borough of The Devizes in the County of Wilts, and for preventing Nuisances, Annoyances, and Obstructions therein.

[21 Geo. 3. c. 36.]

An Act for paving, lighting, cleansing, watching, and improving the Borough of Devizes in the County of Wilts, and for removing and preventing Nuisances and Annoyances therein.

[6 Geo. 4. c. 162.]

**DONCASTER :**

An Act for repealing so much of an Act passed in the Fourth Year of the Reign of His present Majesty as relates to the lighting the Streets and Places within the Borough and Sòke of Doncaster in the County of York ; and for more effectually lighting, watching, and otherwise improving the said Borough, and for preventing Nuisances therein.

[43 Geo. 3. c. 147.]

**DORCHESTER :**

An Act for better cleansing, lighting, and watching the Streets, Lanes, and other public Passages within the Borough of Dorchester in the County of Dorset, and in the Tithing of Colliton-row in the Town of Dorchester aforesaid ; for paving the Footways and repairing certain Horseways of such Parts thereof as are Turnpike, and for paving the Footways and repairing the Horseways of such Parts thereof as are not Turnpike ; for removing Nuisances, Annoyances, and Obstructions therein ; and for preventing Houses or Buildings hereafter to be erected in the said Borough and Tithing from being thatched.

[16 Geo. 3. c. 27.]

An Act for better paving, cleansing, lighting, watching, watering, and otherwise improving the Streets and other public Passages and Places within the Borough of Dorchester in the County of Dorset, and the Tithing of Colliton-row in the Town of Dorchester aforesaid.

[4 Will. 4. 22 May.]

**DOVER :**

An Act for better paving, cleansing, lighting, and watching the Streets and Lanes in the Town of Dover in the County of Kent, and in the several Parishes of Saint Mary the Virgin and Saint James the Apostle in the said Town and County ; and for removing and preventing Nuisances and Annoyances therein. [18 Geo. 3. c. 76.]

An Act to amend an Act made in the Eighteenth Year of His present Majesty, for paving, cleansing, lighting, and watching the Town of Dover, and for removing and preventing Nuisances and Annoyances therein.

[50 Geo. 3. c. 26.]

An Act to amend Two Acts of His late Majesty, for paving, cleansing, lighting, and watching the Town of Dover, and for removing and preventing Nuisances and Annoyances therein.

[11 Geo. 4. c. 117.]

**DURHAM :**

An Act for paving, cleansing, lighting, watching, and regulating the Streets, Lanes, Ways, and public Passages and Places within the City of Durham and Borough of Framwelgate, and the Suburbs thereof, and the Streets thereto adjoining ; for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein ; for widening and rendering more commodious several of the said Streets, Lanes, Ways, and public Passages and Places, and

**DURHAM—cont.**

for regulating and improving the Markets, within the said City and Suburbs. [30 Geo. 3. c. 67.]

**EVEESHAM :**

An Act for paving, cleansing, lighting, watching, regulating, and improving the Borough of Evesham in the County of Worcester; for repairing, improving, and maintaining the Bridge over the River Avon within the said Borough; and for selling certain Waste Lands within the said Borough, and for appropriating the Monies arising from such Sales towards the Purposes therein mentioned.

[3 Geo. 4. c. 67.]

**EXETER :**

An Act for enlightening the Streets within the City of Exeter and Suburbs thereof. [1 Geo. 3.]

An Act for better repairing the Streets, Lanes, and Passages within the City of Exeter and County of the said City; and for amending an Act passed in the First Year of His present Majesty, intituled "An Act for enlightening the Streets within the City of Exeter and Suburbs thereof;" and for the better regulating of the Watch within the said City and County, and for otherwise improving the same.

[46 Geo. 3. c. 39.]

An Act for better and more effectually paving, lighting, cleansing, watching, and otherwise improving the Streets, Ways, and other public Passages and Places in the City and County of the City of Exeter. [50 Geo. 3. c. 146.]

An Act for better paving, lighting, watching, cleansing, and otherwise improving the City of Exeter and County of the same City.

[2 & 3 Will. 4. c. 106.]

**FAVERSHAM :**

An Act for the better paving, repairing, cleansing, lighting, and watching the Highways, Streets, Lanes, and other public Passages and Places within the Town and Liberty of Faversham in the County of Kent, and also certain Places near or adjoining thereto; and for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein. [29 Geo. 3. c. 69.]

**FOLKESTONE :**

An Act for paving, repairing, and cleansing the Highways, Streets, and Lanes in the Town of Folkestone, and Liberty thereof, in the County of Kent, and for removing and preventing Nuisances and Annoyances therein. [36 Geo. 3. c. 49.]

**GATESHEAD :**

An Act for cleansing, lighting, and otherwise improving certain Streets and Places within and near the Town and Borough of Gateshead in the County of Durham. [54 Geo. 3. c. 109.]

**GLASTONBURY :**

An Act for paving and improving the Streets and other public Passages and Places in the Parishes of Saint John the Baptist and Saint Benedict in the Town of Glastonbury in the County of Somerset. [51 Geo. 3. c. 173.]

**GLOUCESTER :**

An Act for the more effectual Relief and Employment of the Poor within the City of Gloucester, and for lighting the Streets of the said City. [4 Geo. 3. c. .]

An Act for rebuilding the Bridge over the River Severn at Maise-more, near the City of Gloucester; for raising, widening, and secur-



**GLOUCESTER—cont.**

ing Over's Causeway leading from the said City towards Maisemore aforesaid; and for enforcing the proper paving and cleansing of the several Streets within the said City, and for removing Nuisances and Annoyances therefrom, and preventing the like in future.

[17 Geo. 3. c. 68.]

An Act for erecting a new Gaol, and for removing certain Gateways, in the City of Gloucester, and for amending the several Acts passed for the Maintenance and Support of the Poor of the said City, and for lighting, paving, and regulating the Streets there.

[21 Geo. 3. c. 74.]

An Act for establishing a proper Place for holding Markets and Fairs for the Sale of Live Stock in the City of Gloucester and the Suburbs thereof, and for opening convenient Avenues thereto, and for watching and otherwise improving the said City. [1 & 2 Geo. 4. c. 22.]

An Act to provide for lighting the Suburbs of the City of Gloucester with Gas.

[4 Will. 4. c. 44.]

**GODALMING :**

An Act for paving, lighting, watching, and otherwise improving the Town of Godalming in the County of Surry. [6 Geo. 4. c. 177.]

**GRAVESEND :**

An Act for paving, cleansing, and lighting the High Street, East Street, and West Street in the Town and Parishes of Gravesend and Milton, in the County of Kent, and for lighting the other Streets; and for removing all Incroachments and Annoyances within the said Town and Parishes. [13 Geo. 3. c. 15.]

An Act for altering and enlarging the Powers of an Act of the Thirteenth Year of His present Majesty, for improving the Town and Parishes of Gravesend and Milton in the County of Kent; and for the better Assessment and Collection of the Poor Rates and other Rates within the Parish of Gravesend.

[56 Geo. 3. c. 77.]

An Act for paving, cleansing, lighting, watching, and improving the Town and Parishes of Gravesend and Milton in the County of Kent, and for removing and preventing Nuisances and Annoyances therein.

[3 Geo. 4. c. 51.]

**GUILDFORD :**

An Act, establishing, regulating, and maintaining a Nightly Watch, and for enlightening the open Places and Streets, within the Town of Guildford in the County of Surrey. [32 Geo. 2.]

An Act for paving, cleansing, and otherwise improving the Town of Guildford in the County of Surrey. [52 Geo. 3. c. 51.]

**HARWICH :**

An Act for paving, cleansing, lighting, and watching the Town of Harwich in the County of Essex, and supplying the same with Water.

[59 Geo. 3. c. 118.]

**HASTINGS :**

An Act for better paving, lighting, watching, and otherwise improving the Town of Saint Leonard in the County of Sussex.

[2 Will. 4. c. 45.]

An Act for paving, lighting, watching, cleansing, and improving the Town and Port of Hastings in the County of Sussex, and for establishing and regulating Markets therein, and supplying the Inhabitants thereof with Water, and for other Purposes.

[2 Will. 4. c. 91.]

**HEREFORD :**

An Act for paving, repairing, cleansing, and lighting the Streets and Lanes in the City of Hereford and Suburbs thereof, and removing Nuisances and Annoyances therein, and for creating a Fund towards the Expenses thereof, by inclosing divers Waste Grounds within the Liberties of the said City ; and for the better Application of Charity Money ; for setting the poor People of the said City to work ; and to enable Bodies Corporate to alienate their Houses and Lands within the said City. [14 Geo. 3. c. 38.]

An Act to enlarge, amend, and render more effectual the Provisions of an Act of His present Majesty, for paving and lighting the City of Hereford, and removing Nuisances therein ; and for enabling the Corporation of the said City to sell and apply the Produce of certain Messuages and Lands in establishing Market Places and otherwise improving the said City. [56 Geo. 3. c. 23.]

**HERTFORD :**

An Act for paving the Footways, and cleansing, lighting, and watching the Streets and other public Passages and Places, within the Borough of Hertford, and removing and preventing Obstructions, Nuisances, and Annoyances therein. [28 Geo. 3. c. 75.]

An Act to amend and extend the Provisions of an Act for paving and improving the Streets and other public Passages and Places within the Borough of Hertford. [9 Geo. 4. c. 38.]

**HUNTINGDON :**

An Act for paving, cleansing, and lighting the High Street and other Places within the Town of Huntingdon, and for removing and preventing Nuisances and Annoyances therein. [25 Geo. 3. c. 9.]

**HYTHE :**

An Act for paving, repairing, cleansing, lighting, and watching the Highways, Streets, and Lanes in the Town and Port of Hythe and Liberty thereof in the County of Kent, and for removing and preventing Nuisances and Annoyances therein. [38 Geo. 3. c. 16.]

**IPSWICH :**

An Act for the payyng of the Towne of Ipswiche. [13 Eliz. c. 24.]

An Act for paving, lighting, cleansing, and otherwise improving the Town of Ipswich in the County of Suffolk, and for removing and preventing Encroachments, Obstructions, and Annoyances therein. [33 Geo. 3. c. 92.]

An Act for amending and rendering more effectual an Act passed in the Thirty-third Year of the Reign of His present Majesty, for paving, lighting, cleansing, and otherwise improving the Town of Ipswich in the County of Suffolk, and for removing and preventing Encroachments, Obstructions, and Annoyances therein. [37 Geo. 3. c. 44.]

An Act for amending and enlarging the Powers of Two Acts of His present Majesty, for paving, lighting, cleansing, and improving the Town of Ipswich in the County of Suffolk, and removing and preventing Encroachments, Obstructions, and Annoyances therein ; and for watching the said Town. [55 Geo. 3. c. 26.]

An Act to alter and amend several Acts of His late Majesty's Reign, for paving, lighting, and otherwise improving the Town of Ipswich in the County of Suffolk. [1 & 2 G. 4. c. 104.]

**KINGSTON-UPON-HULL :**

An Act for explaining, amending, and making more effectual several Acts of Parliament relating to the Maintenance and Employment

KINGSTON-UPON-HULL.—*cont.*

of the Poor of the Town of Kingstone-upon-Hull; and for better paving, preserving, and cleansing the Streets, Squares, Lanes, and Alleys in the said Town, and preventing Obstructions therein; and for preserving the Lamps which shall be set up to enlighten the Streets of the said Town, and securing the Property of such Lamps to the Owners. [28 Geo. 2. c. 27.]

An Act to amend and render more effectual several Acts made for cleansing and enlightening the Streets of the Town of Kingstone-upon-Hull, and for preventing Annoyances therein. [2 Geo. 3.]

An Act for amending and supplying the Deficiencies of an Act passed in the Second Year of the Reign of His present Majesty King George the Third, intituled "An Act to amend and render more effectual several Acts made for cleansing and enlightening the Streets of the Town of Kingstone-upon-Hull, and for preventing Annoyances therein." [4 Geo. 3.]

An Act for building a new Gaol for the Town and County of the Town of Kingstone-upon-Hull, and for purchasing an additional Burial Ground for the Use of the Parish of the Holy Trinity in the said Town; for regulating the Affairs of Hackney Coachmen, Chairmen, and Porters, and the Prices of Carriage of Goods; for altering the Time of lighting Lamps; for ascertaining the Breadth of Party Walls, and for preventing certain Nuisances, within the said Town, Liberties, and Precincts thereof; for amending an Act of the Fourteenth Year of the Reign of His present Majesty, for making and establishing public Quays or Wharfs at Kingstone-upon-Hull, in respect to such as are or may be built opposite to certain Staiths in the said Act described, and for other Purposes. [23 G. 3. c. 55.]

An Act for paving, cleansing, lighting, watching, and regulating the Streets, Squares, Lanes, and other public Passages and Places within the Parish of Sealcotes in the East Riding of York, and for removing and preventing Nuisances, Encroachments, and Obstructions, and for licensing and regulating Hackney Coaches, Chairs, Porters, Coal Carriers and Water Carriers, Trucks, Carts, and other Carriages, within the said Parish. [41 Geo. 3. c. 30.]

An Act for watching and more effectually lighting, cleansing, and otherwise improving the Town of Kingstone-upon-Hull, and the Liberty of Trippett and the Lordship of Mytton in the Parish of the Holy Trinity in the said Town, and for preventing Nuisances therein; and also for preventing Frauds and Impositions in the Quality, Measure, and Carriage of Coals sold in the said Town and the Neighbourhood thereof. [50 Geo. 3. c. 41.]

## KIDDERMINSTER:

An Act for paving, cleansing, lighting, watching, and otherwise improving the Streets and other public Passages and Places in Kidderminster, in the County of Worcester. [53 Geo. 3. c. 83.]

## KINGSTON-UPON-THAMES:

An Act for the better lighting and watching the Town of Kingstone-upon-Thames in the County of Surrey, and for removing and preventing all Obstructions, Encroachments, and Nuisances therein. [13 Geo. 3. c. 61.]

## KING'S LYNN:

An Act for paving, cleansing, lighting, and watching, and improving the Borough of King's Lynn in the County of Norfolk, and for

**KING'S LYNN—cont.**

removing Nuisances and Annoyances therein; and for holding the Saturday and Beast Markets within more convenient Parts of the said Borough. [43 Geo. 3. c. 37.]

**LANCASTER:**

An Act for lighting, watching, paving, cleansing, and improving the Streets, Highways, and Places within the Borough and Town of Lancaster in the County Palatine of Lancaster. [5 Geo. 4. c. 66.]

**LEEDS:**

An Act for better supplying the Town and Neighbourhood of Leeds in the County of York with Water; and for more effectually lighting and cleansing the Streets and other Places within the said Town and Neighbourhood, and removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein.

[30 Geo. 3. c. 68.]

An Act to amend and enlarge the Powers of an Act passed in the Thirtieth Year of His present Majesty, for better supplying the Town and Neighbourhood of Leeds in the County of York with Water, and for more effectually lighting and cleansing the Streets and other Places within the said Town and Neighbourhood, and for removing and preventing Nuisances and Annoyances therein; and for erecting a Court House and Prison for the Borough of Leeds; and for widening and improving the Streets and Passages in the said Town.

[49 Geo. 3. c. 122.]

An Act to amend and enlarge the Powers and Provisions of an Act of His present Majesty, for erecting a Court House and Prison for the Borough of Leeds in the County of York and other Purposes; to provide for the Expence of the Prosecution of Felons in certain Cases; and to establish a Police and Nightly Watch in the Town, Borough, and Neighbourhood of Leeds aforesaid.

[55 Geo. 3. c. 42.]

An Act for lighting, cleansing, and improving the Town and Neighbourhood of Leeds in the County of York. [5 Geo. 4. c. 124.]

**LEOMINSTER:**

An Act for inclosing Lands in the Borough of Leominster in the County of Hereford, and in the Township of Luston in the Parish of Eye, in the said County; and for paving and otherwise improving the Streets and other public Places within the Town of Leominster in the said County.

[48 Geo. 3. c. 148.]

**LICHFIELD:**

An Act for paving, cleansing, lighting, watching, and regulating Streets, Lanes, and other public Passages and Places within the City of Lichfield, and the Suburbs thereof.

[46 Geo. 3. c. 42.]

**LINCOLN:**

An Act for paving, lighting, watching, and improving the City of Lincoln and the Bail and Close of Lincoln, and for regulating the Police thereof.

[9 Geo. 4. c. 27.]

**LIVERPOOL:**

An Act for the building a Church in the Town of Liverpool in the County Palatine of Lancaster, and for enlightening and cleansing the Streets of the said Town, and for keeping and maintaining a Nightly Watch there.

[21 Geo. 2. c. 24.]

An Act for opening, making, widening, and altering certain Streets, Passages, and Places within the Town of Liverpool in the County

**LIVERPOOL—cont.**

Palatine of Lancaster; for supplying the said Town with fresh and wholesome Water; for removing and preventing Nuisances and Annoyances therein; for appointing additional Market Places; and for extending so much of the Powers of an Act of the Second Year of His present Majesty as relates to Hackney Coachmen, Chairmen, Carters, and Porters, to a certain Distance beyond the Liberties of the said Town. [26 Geo. 3. c. 12.]

An Act for enlarging and varying some of the Powers contained in certain Acts of Parliament relating to the lighting, watching, and cleansing the Streets and other Places within the Town of Liverpool, and for removing and preventing Nuisances and Annoyances therein. [28 Geo. 3. c. 13.]

An Act for the reviving, extending, and varying the Powers of an Act passed in the Twenty-sixth Year of His late Majesty King George the Third, for making and widening certain Streets, Passages, and Places in the Town of Liverpool in the County Palatine of Lancaster, and for several other Purposes in the said Act mentioned; and also for further improving the said Town. [1 Geo. 4. c. 13.]

An Act for widening and improving certain Streets in the Town of Liverpool in the County Palatine of Lancaster; for the further Prevention of Nuisances and Annoyances in the said Town; for the Regulation of Weighing Machines, Weights, and Measures; and the Establishment of a Fire Police therein. [7 Geo. 4. c. 57.]

An Act for the better Pavage and Sewerage of the Town of Liverpool in the County Palatine of Lancaster; and for settling the Boundaries of the said Town and the Township of Kirkdale, and Parts of the Townships of Everton and West Derby. [11 Geo. 4. c. 15.]

**LOUTH:**

An Act for paving, lighting, watching, cleansing, regulating, and otherwise improving the Town and Parish of Louth in the County of Lincoln. [6 Geo. 4. c. 129.]

**LUDLOW:**

An Act for paving the Footpaths within the Borough of Ludlow in the County of Salop, and for lighting, watching, and otherwise improving the said Borough. [33 Geo. 3. c. 25.]

**MACCLESFIELD:**

An Act for lighting, watching, and regulating the Police within the Borough of Macclesfield in the County of Chester. [54 Geo. 3. c. 23.]

An Act for better lighting, watching, and improving the Borough and Township of Macclesfield in the County of Chester, and regulating the Police thereof. [6 Geo. 4. c. 96.]

An Act for better supplying the Inhabitants of the Borough of Macclesfield in the County of Chester with Water, and to establish the Rates payable for the same. [11 Geo. 4. c. 124.]

**MAIDSTONE:**

An Act for widening, improving, regulating, paving, cleansing, and lighting the Streets, Lanes, and other public Passages and Places within the King's Town of Maidstone in the County of Kent; for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein; for better supplying the said Town with Water; and for repairing the Highways within the Parish of Maidstone. [31 Geo. 3. c. 62.]

**MAIDSTONE—cont.**

An Act for altering and amending an Act passed in the Thirty-first Year of the Reign of His present Majesty, intituled “ An Act for widening, improving, regulating, paving, cleansing, and lighting the Streets, Lanes, and other public Passages and Places within the King’s Town of Maidstone in the County of Kent; for removing and preventing Encroachments, Obstructions, Nuisances, and Annoyances therein; for better supplying the said Town with Water; and for repairing the Highways within the Parish of Maidstone;” and for raising a further Sum of Money for completing the Purposes of the said Act. [42 Geo. 3. c. 90.]

An Act to enlarge the Powers of Three Acts of His present Majesty, for paving, cleansing, and lighting the Streets and other public Places within the King’s Town of Maidstone in the County of Kent, and better supplying the Inhabitants with Water; and for watching the said Town, and making public Wharfs therein. [59 Geo. 3. c. 16.]

**MONMOUTH:**

An Act for paving the Footways, and cleansing, lighting, and watching the Streets, in the Town of Monmouth. [58 Geo. 3. c. 81.]

**NEWARK:**

An Act for the better paving, lighting, and cleansing of the Streets, Lanes, and other public Passages and Places in the Town of Newark-upon-Trent in the County of Nottingham, and for removing the Market for Butcher’s Meat in the said Town, and for regulating the said Market; and for repealing an Act made in the Twenty-seventh Year of the Reign of Her late Majesty Queen Elizabeth, intituled “ An Acte for the pavinge of Newarke-upon-Trent in the Countie of Nottingham.” [38 Geo. 3. c. 26.]

**NEWBURY:**

An Act for lighting, watching, paving, cleansing, and improving the Streets, Highways, and Places within the Borough, Town, and Parish of Newbury and the Tithing or Hamlet of Speenhamland in the Parish of Speen in the County of Berks. [6 Geo. 4. c. 72.]

**NEWCASTLE-UNDER-LYME.**

An Act for paving, lighting, watching, cleansing, regulating, and improving the Borough of Newcastle-under-Lyme. [59 Geo. 3. c. 71.]

**NEWCASTLE-UPON-TYNE:**

An Act for lighting the Streets and other Places, and maintaining a regular and nightly Watch, within the Town and County of the Town of Newcastle-upon-Tyne; and for regulating the Hackney Coachmen and Chairmen, Cartmen, Porters, and Watermen within the same. [3 Geo. 3.]

An Act for widening, enlarging, and cleansing the Streets, Lanes, and other public Places, and for opening new Streets, Markets, and Passages, within the Town of Newcastle-upon-Tyne and the Liberties thereof, and for removing and preventing Annoyances therein; and for regulating the public Markets, and Common Stage Waggon, Drays, and Carts carrying Goods for Hire. [26 Geo. 3. c. 39.]

An Act for lighting and watching the Streets and other Places without the Walls, but within the Liberties, of Newcastle-upon-Tyne. [52 Geo. 3. c. 76.]

**NEWPORT, (Isle of Wight):**

An Act for paving, repairing, cleansing, lighting, and watching the Streets, Lanes, Ways, Passages, and Places within the Borough of Newport in the Isle of Wight; and for the Removal of present, and the Prevention of future Incroachments, Nuisances, and Annoyances therein. [26 Geo. 3. c. 119.]

**NEWPORT, (Monmouth):**

An Act for lighting, watching, paving, cleansing, and improving the Streets, Highways, and Places within the Town and Borough of Newport in the County of Monmouth. [7 Geo. 4. c. 6.]

**NORTHAMPTON:**

An Act for paving, cleansing, lighting, and watching the Town of Northampton, and for removing and preventing Incroachments, Obstructions, and Annoyances therein. [18 Geo. 3. c. 79.]

An Act for altering and amending an Act passed in the Eighteenth Year of the Reign of His present Majesty, intituled "An Act for paving, cleansing, lighting, and watching the Town of Northampton, and for removing and preventing Incroachments, Obstructions, and Annoyances therein; and for continuing the Term of certain Tolls by the said Act." [37 Geo. 3. c. 42.]

An Act for better paving, lighting, watching, and improving the Town of Northampton; and for taking down, widening, and rebuilding the Bridge over the Nine or Nen, at the South Entrance of the said Town, and improving the Avenues to the said Bridge.

[54 Geo. 3. c. 193.]

**NORWICH:**

An Act for better paving, lighting, cleansing, watching, and otherwise improving the City of Norwich. [46 Geo. 3. c. 67.]

An Act for amending and enlarging an Act of His late Majesty, for better paving, lighting, cleansing, and otherwise improving the City of Norwich. [6 Geo. 4. c. 78.]

**NOTTINGHAM:**

An Act for enlightening the Streets, Lanes, and Passages within the Town and County of the Town of Nottingham. [2 Geo. 3.]

An Act to alter, amend, and enlarge the Powers of an Act of the Second Year of His late Majesty's Reign, intituled "An Act for enlightening the Streets, Lanes, and Passages within the Town and County of the Town of Nottingham." [1 & 2 Geo. 4. c. 70.]

**OSWESTRY:**

An Act for paving, cleansing, lighting, watching, and otherwise improving the Streets and other public Passages and Places in the Town and Borough of Oswestry in the County of Salop.

**OXFORD:**

[49 Geo. 3. c. 140.]

An Act for amending certain of the Mileways leading to Oxford; for making a commodious Entrance through the Parish of Saint Clement; for rebuilding or repairing Magdalen Bridge; for making commodious Roads from the said Bridge through the University and City and the Avenues leading thereto; for cleansing and lighting the Streets, Lanes, and Places within the said University and City and the Suburbs thereof, and the Parish of Saint Clement; for removing Nuisances and Annoyances therefrom, and preventing the like for the future; for empowering Colleges and Corporations to alienate their Estates there; for removing, holding, and regulating Markets within the said City; and for other Purposes. [11 Geo. 3. c. 19.]

**OXFORD—cont.**

An Act to amend and enlarge the Powers of an Act passed in the Eleventh Year of His present Majesty's Reign, for performing several Works, and making Improvements within the University and City of Oxford and the Suburbs thereof, and in the adjoining Parish of Saint Clement. [21 Geo. 3. c. 47.]

An Act for enlarging the Term and Powers of Two Acts of His present Majesty, for amending certain Milways leading to Oxford, and making Improvements in the University and City of Oxford, the Suburbs thereof, and adjoining Parish of Saint Clement, and for other Purposes. [52 Geo. 3. c. 72.]

An Act for continuing the Term and amending and enlarging the Powers of Three Acts of His Majesty King George the Third, for amending certain Mileways leading to Oxford, and making Improvements in the University and City of Oxford, the Suburbs thereof, and adjoining Parish of Saint Clement, and for other Purposes in the said Acts mentioned. [5 & 6 W. 4. c. .]

**PEMBROKE:**

An Act for supplying with Water the Town of Pembroke and the Neighbourhood thereof, within the County of Pembroke. [9 Geo. 4. c. 119.]

**PLYMOUTH:**

An Act for improving the Town of Plymouth in the County of Devon. [51 Geo. 3. c. 102.]

An Act for better paving, lighting, cleansing, watching, and improving the Town and Borough of Plymouth in the County of Devon, and for regulating the Police thereof, and for removing and preventing Nuisances and Annoyances therein. [5 Geo. 4. c. 22.]

**PONTEFRACT:**

An Act for paving and otherwise improving the Streets and other public Passages within the Town of Pontefract in the County of York; for better supplying the said Town with Water; and for altering and amending an Act passed in the Twentieth Year of His present Majesty, intituled "An Act for dividing the Park of Pontefract in the County of York, and for other Purposes mentioned therein." [50 Geo. 3. c. 40.]

**PORTSMOUTH:**

An Act for the better paving and cleansing the Streets and other public Passages in the Town of Portsmouth in the County of Southampton, and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious. [8 Geo. 3.]

An Act for lighting and watching the Town of Portsmouth in the County of Southampton; and for explaining and amending an Act passed in the Eighth Year of His present Majesty's Reign, for the better paving and cleansing the Streets and other public Passages in the said Town, and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious. [16 Geo. 3. c. 59.]

An Act for the better paving, cleansing, widening, and regulating the Streets, Courts, Roads, Lanes, Ways, Rows, Alleys, and public Passages and Places within the Town of Portsea in the County of Southampton and for removing and preventing Nuisances, Annoyances, and Obstructions within the said Town. [32 Geo. 3. c. 103.]



**PORTSMOUTH—cont.**

An Act for better lighting and watching the Town of Portsea in the County of Southampton; and for amending an Act passed in the Thirty-second Year of His late Majesty, for paving, cleansing, and regulating the Streets and public Places within the said Town, and removing and preventing Nuisances and Annoyances therein.

[7 Geo. 4. c. 64.]

**PRESTON:**

An Act to light, watch, pave, cleanse, and improve the Streets, Highways, and Places within the Borough of Preston in the County Palatine of Lancaster, and to provide Fire Engines and Firemen for the Protection of the said Borough.

[55 Geo. 3. c. 22.]

**READING:**

An Act for better paving, lighting, cleansing, watching, and otherwise improving the Borough of Reading in the County of Berks.

[7 Geo. 4. c. 56.]

**ROCHESTER:**

An Act for paving, cleansing, lighting, and watching the High Streets and Lanes in the Parish of Saint Nicholas within the City of Rochester and Parish of Strood in the County of Kent, and for making a Road through Star Lane, across certain Fields adjoining thereto, to Chatham Hill in the said County.

[9 Geo. 3. c. 32.]

**SANDWICH:**

An Act for the better repairing, paving, cleansing, lighting, and watching the Highways, Streets, and Lanes of and in the Town and Port of Sandwich in the County of Kent, and in the several Parishes of Saint Peter the Apostle, Saint Mary the Virgin, and Saint Clement, in the said Town, Port, and County; and for removing and preventing Encroachments, Nuisances, Obstructions, and Annoyances in the said Highways, Streets, and Lanes, and on the common Quay belonging to the said Town and Port, and in the Haven adjoining to the said Quay, and the Bridge built over the said Haven; and for regulating the Berths and Mooring Places of Vessels at the said Quay, and the proper Times for Vessels to pass through the said Bridge.

[27 Geo. 3. c. 67.]

**SARUM, NEW:**

An Act for the better repairing and paving the Highways, Streets, and Watercourses within the City of New Sarum; and for enlightening the Streets, Lanes, and Passages, and better regulating the Nightly Watch within the said City.

[10 Geo. 2.]

An Act to alter, extend, and amend the Powers of Two Acts passed in the Tenth Year of the Reign of His late Majesty King George the Second, and in the Twelfth Year of the Reign of His present Majesty, for better paving, lighting, and watching the City of New Sarum in the County of Wilts.

[55 Geo. 3. c. 23.]

**SCARBOROUGH:**

An Act for paving and otherwise improving the Streets and other Places in the Township of Scarborough in the North Riding of the County of York, and for licensing Hackney Coaches and establishing other Regulations in the said Township.

[41 Geo. 3. c. 94.]

**SHREWSBURY:**

An Act for the better paving and amending, cleansing, enlightening, and watching the Streets, Highways, Lanes, and Passages within the Town of Shrewsbury in the County of Salop.

[29 Geo. 2. c. 78.]

**SHREWSBURY—cont.**

An Act for repealing an Act passed in the Twenty-ninth Year of the Reign of His Majesty King George the Second, for paving, lighting, and watching the Town of Shrewsbury in the County of Salop; and for granting other Powers in lieu thereof.

[1 & 2 Geo. 4. c. 58.]

**SOUTHAMPTON :**

An Act for the better paving, repairing, and cleansing the Streets and other public Passages in the several Parishes and Wards of Saint Michael, Saint John, Holy Rood, Saint Lawrence, All Saints-within-the-Bar, All Saints-without-the-Bar, and East Street and Bay Row, within the Town of Southampton and Liberties thereof, and for preventing Nuisances and Annoyances therein; and for widening and rendering the same more commodious, and for lighting and watching the said Streets and public Passages.

[10 Geo. 3. c. 25.]

An Act to amend an Act made in the Tenth Year of His present Majesty, for paving, repairing, cleansing, lighting, and watching the Streets and other public Passages in the Town of Southampton.

[50 Geo. 3. c. 169.]

**STAFFORD :**

An Act for paving, lighting, watching, cleansing, regulating, and improving the Streets, Lanes, and other public Passages and Places within the Borough of Stafford in the County of Stafford.

[11 Geo. 4. c. 44.]

**ST. ALBAN'S :**

An Act for paving the Footways and Crosspaths, and for cleansing, lighting, watching, and regulating the Streets and other public Passages and Places, within the Borough of Saint Alban in the County of Hertford.

[44 Geo. 3. c. 8.]

**STOCKPORT :**

An Act for lighting, cleansing, watching, and otherwise improving the Streets, Lanes, and other public Passages and Places within the Town of Stockport in the County Palatine of Chester; and for regulating the Police of the said Town.

[7 Geo. 4. c. 118.]

**STOCKTON :**

An Act for lighting, cleansing, and otherwise improving the Town and Borough of Stockton in the County of Durham.

[1 Geo. 4. c. 62.]

**SUNDERLAND :**

An Act for lighting and watching the Town of Bishop Wearmouth and Bishop Wearmouth Panns, for cleansing, paving, and regulating the Footpaths, and for removing and preventing Nuisances and Encroachments therein.

[50 Geo. 3. c. 25.]

An Act for paving, lighting, watching, and cleansing the Town of Sunderland near the Sea in the County of Durham; for removing the Market; for building a Town Hall or Market House; and for otherwise improving the said Town; and for establishing a Watch on the River Wear.

[50 Geo. 3. c. 27.]

An Act for paving, lighting, watching, cleansing, and improving the Town and Parish of Sunderland near the Sea in the County of Durham, for removing the Market, and for otherwise improving the said Town.

[7 Geo. 4. c. 120.]

**SWANSEA :**

An Act for better paving, repairing, cleansing, lighting, and watching the several Streets and other public Passages and Places within the Town and Franchise of Swansea in the County of Glamorgan, and for removing and preventing Nuisances, Annoyances, and Obstructions therein. [49 Geo. 3. c. 79.]

**TEWKESBURY :**

An Act for paving, repairing, cleansing, lighting, and watching the Streets, Lanes, Ways, Passages, and Places within the Town of Tewkesbury, and the Precincts thereof, in the County of Gloucester; for the Removal of present and Prevention of future Encroachments, Nuisances, and Annoyances therein; for regulating Carts and other Carriages, and ascertaining the Rates of Carriage; and for widening some Part of the Street called Church Street, within the said Town. [26 Geo. 3. c. 17.]

**TIVERTON :**

An Act for the better and more easy rebuilding of the Town of Tiverton in the County of Devon, and for determining Differences touching Houses and Buildings burnt down or demolished by reason of the late dreadful Fire there, and for the better preventing Dangers from Fire for the future. [5 Geo. 2.]

An Act for paving and otherwise improving the Town of Tiverton in the County of Devon. [34 Geo. 3. c. 52.]

An Act for amending and enlarging the Powers and Provisions of an Act of His late Majesty King George the Third, intituled "An Act for paving and otherwise improving the Town of Tiverton in the County of Devon, and for lighting the said Town."

[3 Geo. 4. c. 60.]

**TRURO :**

An Act for paving, cleansing, lighting, and widening the Streets, Lanes, and Passages, for removing and preventing Encroachments, Nuisances, and Annoyances, and for regulating the Porters and Drivers of Carts, within the Borough of Truro, and Part of the adjoining Parishes, in the County of Cornwall. [30 Geo. 3. c. 62.]

**WALLINGFORD :**

An Act for paving the Footways, and for cleansing, lighting, watching, and regulating the Streets, Lanes, Passages, and Places, within the Borough of Wallingford in the County of Berks, and for removing and preventing Nuisances, Annoyances, Encroachments, and Obstructions therein. [35 Geo. 3. c. 75.]

**WALSALL :**

An Act for paving, lighting, watching, cleansing, widening, regulating, and otherwise improving the Town of Walsall, and the Neighbourhood thereof, within the Parish of Walsall in the County of Stafford. [5 Geo. 4. c. 68.]

**WELLS :**

An Act for more effectually repairing and improving certain Roads leading to and from the City or Borough of Wells in the County of Somerset; and for paving, cleansing, lighting, watching, and watering the said Roads, and the Streets, Lanes, and public Passages within the said City or Borough, the Liberty of Saint Andrew, and Suburbs of the said City and Borough, and removing and preventing Nuisances and Annoyances therein. [1 & 2 Geo. 4. c. 12.]

**WELLS—cont.**

An Act for lighting with Gas the City and Borough of Wells in the County of Somerset, the Liberty of Saint Andrew, and Suburbs of the said City or Borough. [2 Will. 4. c. 37.]

**WEYMOUTH and MELCOMBE REGIS :**

An Act for paving, cleansing, lighting, and watching the Borough and Town of Weymouth and Melcombe Regis in the County of Dorset, and for removing all Encroachments, Obstructions, and Annoyances therein. [16 Geo. 3. c. 57.]

An Act for more effectually cleansing, lighting, and watching the Borough and Town of Weymouth and Melcombe Regis in the County of Dorset, and removing Encroachments and Annoyances therein; for licensing and regulating Chairmen and other Persons plying for Hire, for establishing Markets, and for giving further Powers to the Quay Master of the Harbour of the said Town.

[50 Geo. 3. c. 187.]

**WINCHESTER :**

An Act for the better paving, repairing, cleansing, lighting, and watching the Streets and other public Passages within the City of Winchester, and also within the several Parishes of Saint Bartholomew Hide, Saint John's in the Soke, Saint Peter's Cheesehill, Saint Swithin, and Saint Michael in the West Soke, in the Suburbs of the said City; and for preventing Nuisances and Annoyances therein, and for widening and rendering the same more commodious. [11 Geo. 3. c. 9.]

An Act for amending and enlarging the Powers of an Act of His present Majesty, for paving, cleansing, lighting, and watching the Streets and public Passages in the City of Winchester, and several Parishes in the Suburbs thereof, and for removing and preventing Nuisances therein. [48 Geo. 3. c. 2.]

**WINDSOR :**

An Act for the better paving, cleansing, lighting, and watching the Streets and Lanes in the Parish and Borough of New Windsor in the County of Berks, and for preventing Nuisances and Annoyances therein. [9 Geo. 3. c. 10.]

**WISBEACH :**

An Act for the establishing a Cattle Market within the Town of Wisbech in the Isle of Ely; for taking down and removing Shambles therein; for paving, cleansing, lighting, and watching the said Town, and removing Nuisances therein; for preserving and improving the Port and Harbour of Wisbech, and for regulating the Pilots belonging thereto. [50 Geo. 3. c. 206.]

**WORCESTER :**

An Act for better supplying the City of Worcester and the Liberties thereof with Water; and for more effectually paving, lighting, watching, and otherwise improving the said City. [4 Geo. 4. c. 69.]

**YARMOUTH (GREAT) :**

An Act for better paving, lighting, cleansing, and watching the Town of Great Yarmouth in the County of Norfolk, and for removing Nuisances and Annoyances therein, and for making other Improvements in the said Town. [50 Geo. 3. c. 23.]

**YORK :**

An Act for paving, lighting, watching, and improving the City of York and the Suburbs thereof, and the Liberty of Saint Peter within the said City, and for regulating the Police of the same respectively.

[6 Geo. 4. c. 127.]

YORK—*cont.*

An Act for improving and enlarging the Market Places within the City of York, and rendering the Approaches thereto more commodious; and for regulating and maintaining the several Markets and Fairs held within the same City and the Suburbs thereof; and for amending an Act of His late Majesty, for paving, lighting, watching, and improving the said City; and other Purposes.

[3 Will. 4. c. 62.]

## C A P. LXXVII.

An Act to repeal the Duty and Drawback on Flint Glass, to impose other Duties and another Drawback in lieu thereof, and to reduce the Drawback on *German Sheet Glass* exported in Panes; and to repeal the Drawback on unground and unpolished Plate Glass; and to amend the Laws relating to the Duties on Glass.

[9th September 1835.]

‘ WHEREAS it is expedient to reduce the Duties and Drawbacks on Flint Glass, and the Drawback now payable on the Exportation of *German Sheet Glass* in Panes, and to repeal the Drawback now payable on the Exportation of unground or unpolished Plate Glass, and it is necessary to amend the Laws for securing the Duties on Glass:’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *October* One thousand eight hundred and thirty-five the Duties and Drawbacks now payable and allowed on Flint Glass shall be and the same are hereby repealed, save and except as to any Arrear of Duty which may be due and owing, or which may be charged or incurred, or any Drawback which may be payable on any Flint Glass exported on or before the said Tenth Day of *October* One thousand eight hundred and thirty-five.

Duties and Drawbacks on Flint Glass repealed, except, &c.

New Duty of 6s. 8d. on every One hundred Pounds Weight of fluxed Materials for making Flint Glass.

II. And be it further enacted, That in lieu of the Duty on Flint Glass by this Act repealed there shall be raised, levied, collected, and paid, throughout the United Kingdom, the Rates and Duties of Excise herein-after mentioned; (that is to say,) for and upon every One hundred Pounds Weight Avoirdupois, and so in proportion for any greater or less Quantity, of the fluxed Materials or Metal or other Preparations whatever, by what Name soever the same may be called or known, that shall be made in *Great Britain* or *Ireland*, for the Purpose of making Flint Glass, the Sum of Six Shillings and Eight-pence, such Duty to be charged on the gross Gauge of such Materials or Metal or other Preparations in the Pot, of which fluxed Materials or Metal or other Preparations, Three thousand two hundred being taken as the Specific Gravity, Eleven shall be the Circular Divisor for finding the Contents in each Pot in Pounds Weight Avoirdupois, without any Deduction, Abatement, or Allowance whatsoever.

Drawback of 18s. 9d. on every One hundred Pounds Weight

III. And be it further enacted, That in lieu of the Drawback on Flint Glass hereby repealed the following Drawback shall be allowed and paid; (that is to say,) for and upon every One hundred Pounds Weight

Weight Avoirdupois, and so in proportion for any greater or less Quantity, of Flint Glass which shall be made in *Great Britain or Ireland*, and for and in respect of which, or of the Materials, Metal, or other Preparations from which the same shall have been made, all Excise Duties payable thereon shall have been duly charged, and which shall be exported as Merchandize from thence to Foreign Parts, the Sum of Eighteen Shillings and Nine-pence.

of Flint Glass exported.

IV. And be it further enacted, That at the End of every Round or Period of Six Weeks an Account shall be taken and made out by the Supervisor, Surveyor, or Officer of the District or Place in which the Glasshouse of any Maker of Flint Glass shall be situate, of the whole Quantity of Flint Glass for or in respect of which such Maker of Flint Glass as aforesaid shall have been charged with Duty upon the fluxed Materials or Metal or other Preparations from which such Flint Glass shall have been made, after Deduction of the gauged Weight of all fluxed Materials, Metal, or other Preparations taken account of by the Officer, and laded out of the Pot, according to the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to repeal the Excise Duties and Drawbacks on Flint Glass made in Great Britain, and to impose other Duties and another Drawback in lieu thereof, throughout the United Kingdom; and to continue the Jurisdiction and Powers for recovering Penalties under Customs and Excise Laws in Ireland, until further Provision can be made*, and of another Act passed in the Second and Third Years of the Reign of His present Majesty, intituled *An Act to repeal the Excise Duties on Flint Glass, and to impose other Duties in lieu thereof, and to amend the Laws relating to Glass*, and of the whole Weight of manufactured Flint Glass Wares weighed, or which shall have been made by such Maker of Flint Glass as aforesaid, within such Round or Period of Six Weeks as aforesaid; and if, upon such Account being taken and made out as aforesaid, the Weight of such manufactured Glass and Glass Wares as aforesaid shall exceed the Quantity of such Glass as aforesaid with which such Maker shall have been so charged with Duty, after such Deduction as aforesaid, by any Quantity greater than the Quantity of Forty *per Centum* of or upon the whole Quantity of such Flint Glass as last aforesaid, every such Maker shall be charged with and pay the Sum of Two-pence *per Pound* upon each and every Pound Weight of such Excess, over and above any Duty which such Maker of Flint Glass as aforesaid shall have paid or may have been charged with upon the fluxed Materials or Metal or other Preparations from which such Flint Glass as aforesaid shall have been made.

Officer to make out an Account at the End of each Round or Period of Six Weeks of the whole Quantity of Glass charged with Duty, and the whole Weight of Glass weighed within such Period, and to charge 2*d.* per Pound additional on all Excess above 40 per Cent.  
6 G. 4. c. 117.

2 & 3 W. 4. c. 102.

V. And be it further enacted, That in lieu of the Drawback of Four Pounds Eighteen Shillings *per Hundred Weight* now payable on *German Sheet Glass* exported in Panes there shall be allowed and paid for every Hundred Weight of Panes of *German Sheet Glass* made in any Part of the United Kingdom, and for which the Duty shall have been charged, and which shall after the passing of this Act be exported as Merchandize from any Part of the United Kingdom to Foreign Parts, such Panes not being of less Dimensions than Six Inches in Length by Four Inches in Breadth, Four Pounds Four Shillings, and so in proportion for any greater or less Quantity than an Hundred Weight of such Panes.

Drawback on German Sheet Glass exported in Panes, 4*l.* 4*s.* per Hundred Weight.

VI. And

Duties and Drawbacks to be collected and paid under former Regulations.

VI. And be it further enacted, That the said Duties and Drawbacks on Flint Glass, and the said Drawback on *German Sheet Glass*, by this Act imposed and granted, shall be under the Management of the Commissioners of Excise, and that the said Duties and Drawbacks shall be respectively raised, levied, collected, recovered, allowed, and paid in such and the like Manner, and in or by any of the general or special Ways, Means, or Methods, by which the former Duties and Drawbacks, in lieu of which the same are hereby imposed and granted, were or might be raised, levied, collected, recovered, allowed, and paid, and the respective Persons, Goods, Merchandize, and Commodities liable to the Payment or chargeable with the said Duties imposed, or entitled to the said Drawbacks granted by this Act, shall be and the same are hereby made subject and liable to all and every the Conditions, Regulations, Rules, Restrictions, and Forfeitures to which such Persons, Goods, Merchandize, and Commodities were generally or specially subject and liable by any Act or Acts in force on or immediately before the Commencement of this Act respecting the Duties of Excise under the Management of the Commissioners of Excise; and all and every Pain, Penalty, Fine, and Forfeiture of any Nature or Kind whatever, for any Offence whatever committed against or in breach of any such Act or Acts, and the several Clauses, Powers, and Directions therein contained, shall be and are hereby directed and declared to extend to and shall be respectively applied, practised, and put in execution for and in respect of the said Duties and Drawbacks hereby imposed and granted and allowed, in as full and ample a Manner to all Intents and Purposes as if all and every the said Acts, Clauses, Provisions, Powers, and Directions, Pains, Penalties, and Forfeitures, were particularly repeated and re-enacted in this Act: Provided always, that nothing herein contained shall alter or affect the Drawback now payable on the Exportation of Panes of Window Glass commonly known as Crown Glass, not being *German Sheet Glass*, but the Drawback on such Glass exported shall continue and be payable in the same Manner as if this Act had not been passed.

Act not to affect the Drawback on Crown Glass.

Flint Glass not to be entitled to Drawback, unless properly manufactured and finished, and worth at least 5*l.* per Pound.

VII. And be it further enacted, That no Drawback shall be allowed or payable on the Exportation of any Flint Glass Wares or Commodities which shall not be good, fair, and merchantable Articles, perfectly manufactured of Metal fully and properly fluxed or fused and finished, by all rough, waste, and useless Parts being removed therefrom, and of such Quality as to be worth at least Five-pence *per* Pound, exclusive of the Duty, if made or if the same had been made into Articles for Home Consumption; and every Person who shall pack or enter or ship, or cause to be packed, entered, or shipped, for Exportation on Drawback, any bad or unmerchantable Flint Glass, or any Flint Glass Wares or Commodities which shall not be of the Description, Quality, and Value aforesaid, shall forfeit Treble the Value of the Drawback sought to be obtained, or One Hundred Pounds, at the Election of the Commissioners of Excise, together with all the Flint Glass so packed, entered, or shipped, which may be seized by any Officer of Excise or Customs.

Flint Glass made into Cylinders not

VIII. And be it further enacted, That it shall not be lawful for any Maker of Flint Glass, or any other Person to open or flatten out

any Shade or Cylinder made of white or uncoloured Flint Glass, except as herein-after provided, on pain of forfeiting all Flint Glass so opened or flattened out, and One hundred Pounds: Provided always, that Makers of Flint Glass may open out and flatten Cylinders of white or uncoloured Glass into Plates, such Plates when opened and flattened out not being of less Thickness than Two Tenth Parts of an Inch, nor of greater Dimensions than Fourteen Inches square.

to be opened or flattened out, except as herein provided.

IX. And for preventing Frauds by Persons other than Makers of Flint Glass opening out and flattening Shades or Cylinders of Flint Glass, be it further enacted, That every Glass Bender or Stainer, not being a Maker of Glass, who shall make use of any Arch or Oven for the heating opening, or flattening, or bending or staining of Glass, shall make Entry with the Officer of Excise of the District or Division in which his Premises shall be situate of every Arch or Oven and of every Room and Place used by him for heating, opening, or flattening, or bending or staining Glass, or keeping Glass opened or flattened, or to be opened and flattened out; and it shall not be lawful for any such Bender or Stainer of Glass to receive or have in any Arch or Oven or in any Room or Place so entered any Shade or Cylinder made of white or uncoloured Flint Glass; and every Person who shall make use of any Arch or Oven for heating, opening, or flattening, or bending or staining Glass, without having made such Entry as aforesaid, shall forfeit Fifty Pounds, together with all the Glass found on such unentered Premises; and every Glass Bender or Stainer on whose Premises any Shade or Cylinder of white or uncoloured Flint Glass shall be found shall forfeit the same, together with Five Pounds for every such Shade or Cylinder.

For preventing Frauds as to last-mentioned Provision by Persons not being Makers of Glass.

X. And be it further enacted, That it shall be lawful for any Officer of Excise at all Times to enter into and inspect the Premises of every Bender and Stainer of Glass, and to examine all Glass therein; and if any such Officer shall be obstructed, or be hindered or prevented from so entering, or from examining any Glass in any such Premises, the Bender or Stainer at or in whose Premises such Obstruction, Hindrance, or Prevention shall take place shall forfeit Fifty Pounds.

Officers to enter Premises of last-mentioned Persons, and examine Glass therein.

XI. And be it further enacted, That no Glass exported in Panes of a greater Specific Gravity than Two thousand eight hundred shall be entitled to Drawback as Crown Glass or *German Sheet Glass*; but all Glass produced for Exportation in Panes as Crown Glass or *German Sheet Glass* of a greater Specific Gravity than Two thousand eight hundred, and all coloured Glass exported on Drawback, shall be deemed and taken to be Flint Glass, and shall not be entitled to any higher Rate of Drawback than the Drawback on Flint Glass granted by this Act.

Glass exported in Panes of greater Specific Gravity than 2,800 not entitled to Drawback as Crown Glass.

XII. ' And whereas it is expedient that Provision should be made for allowing the Makers of Flint Glass to make and store Glass not to be sold or sent into Consumption until after the Tenth Day of *October* One thousand eight hundred and thirty-five, when the Duty now payable on Flint Glass is to cease and determine, and the new Duty hereby imposed is to commence and take effect; be it therefore enacted, That every Maker of Flint Glass who shall intend to make any Flint Glass Wares or Commodities not to be

Makers of Flint Glass enabled to make and store Glass not to be sold or consumed before the Time appointed for the Duty now payable to cease.



sold or sent into Consumption before the Eleventh Day of *October* One thousand eight hundred and thirty-five shall give Notice of such his Intention in Writing to the proper Officer of Excise before storing any such Glass, and in such Notice shall specify some separate and secure Room or Store, to be approved of by the Commissioners of Excise or their Officers, for the keeping therein of all such Flint Glass Wares and Commodities as are intended to be so stored; and such Maker of Flint Glass may from Time to Time, when giving Notice for charging the Pots in his Glasshouse, also give Notice in Writing to the proper Officer of Excise, that all the Flint Glass to be made in that Journey is Flint Glass not to be sold or sent into Consumption until after the Tenth Day of *October* One thousand eight hundred and thirty-five, and that he is desirous of storing the same; and all such Glass shall be made under the Regulations and shall be charged with the Duties now in force; and as often as any Notice for weighing such Glass shall be given the Officer of Excise, having received such Notice, shall attend and weigh and take an Account of all such Glass in the Weighing-room; and such Account having been taken, all such Glass shall be forthwith removed into the Weighing-room, there to remain for the Time required by Law, and shall then be deposited and stored in the separate Room or Store approved of by the Commissioners of Excise or their Officers, under the Locks and Keys of the Officers of Excise, and otherwise secured in such Manner as the Commissioners of Excise shall direct; and all such Flint Glass shall be kept so stored and secured until on or after the Eleventh Day of *October* One thousand eight hundred and thirty-five, on which Day the proper Officers of Excise shall take an Account of all the said Glass which shall have been so stored and secured as aforesaid, and if upon such Account the whole Quantity of Glass shall be found in the Stock of the Maker thereof, stored and secured as aforesaid, and the Officers of Excise shall be satisfied that it is the same Glass which was so made, and that no Part thereof has been sent into Consumption, or any Addition made thereto, or any Alteration therein, the Commissioners of Excise are hereby authorized and empowered to allow to the respective Makers of such Glass the Difference in the Charge of Duty now payable on Flint Glass and the Duty hereby imposed, and to deliver the said Glass to the Makers thereof on the Charge and Payment of the Duty by this Act made payable.

Glass may be taken out of Store before such last-mentioned Period, Notice being given, and on Payment of full Duty.

XIII. Provided always, and be it enacted, That in case any Maker of Flint Glass shall be desirous of taking out any Glass so stored for Consumption before the said Eleventh Day of *October* it shall be lawful for such Maker to give Notice to the Officer of Excise, specifying the Quantity of such Glass so required to be taken out, such Quantity not being less than One Hundred Weight; and the Officer of Excise, having received such Notice, shall attend and take an Account of and weigh the Quantity of Glass specified in such Notice, and shall deliver the same to the Maker thereof; and on all such Glass so delivered out before the said Eleventh Day of *October* the full Duty of Excise now payable shall be paid: Provided also, that not more than One such Notice shall be given on the same Day between the Hours of Six o'Clock in the Morning and Six o'Clock in the Evening.

XIV. And

XIV. And be it further enacted, That if any Flint Glass which shall be made under the Regulations aforesaid as not to be sent into Consumption until after the Tenth Day of *October* One thousand eight hundred and thirty-five shall not at any Time previous thereto be so stored and secured in such separate and secure Room or Store, approved of by the Commissioners of Excise or their Officers, or if any such Maker of Flint Glass shall open or procure to be opened any such Room or Store, or injure any of the Locks, Keys, or Fastenings thereof, or remove or cause or procure to be removed any Flint Glass from or out of the same, or shall send out or deliver any such Flint Glass so made to be stored, except under such Notice as is herein-before provided, or if on the Eleventh Day of *October* One thousand eight hundred and thirty-five, or at any Time previous thereto, the Officers of Excise shall not find all such Flint Glass so stored and secured and unaltered, except as aforesaid, or if any such Maker of Flint Glass shall use or practise any Art or Device to deceive any Officer of Excise in taking an Account of such Flint Glass or of any Part of his Stock, or to remove any Part of such Flint Glass, or to evade any Part of the Duty on Flint Glass with which previous to the said Eleventh Day of *October* One thousand eight hundred and thirty-five he might or would be chargeable, or to obtain any greater Allowance under the Regulations aforesaid than he shall be entitled to; then and in any such Case the Flint Glass Maker so offending shall forfeit all Claim to any such Allowance as aforesaid, and shall pay all the full Duties charged on such Glass, together with any Penalty or Penalties or Forfeitures which he may thereby incur under any of the Laws of Excise.

XV. And be it further enacted, That it shall not be lawful for any Maker of Crown Glass or *German Sheet Glass*, who shall also be a Maker of Plate Glass, to make or manufacture at the same Time from the same Furnace or within the same Glasshouse or Building any Crown Glass or *German Sheet Glass* and Plate Glass, but all such Plate Glass shall be made and manufactured in a separate Period, when no Crown Glass or *German Sheet Glass* shall be making or manufacturing, or any fluxed Materials or Metal for making the same shall be in such Glasshouse or Building; and every such Maker as aforesaid who shall make or manufacture at the same Time in the same Glasshouse or Building any Plate Glass and any Crown Glass or *German Sheet Glass* shall forfeit One hundred Pounds, and all the Plate Glass and Crown Glass or *German Sheet Glass* found so in the course of Manufacture at the same Time shall also be forfeited.

XVI. ' And whereas the same Amount of Duty is imposed on '*German Sheet Glass* made in the United Kingdom as on Crown Glass, but in some of the Regulations for securing the said Duty '*German Sheet Glass* is not mentioned, whereby Doubts may ' arise whether *German Sheet Glass* is included in some of the ' Regulations prescribed by such Acts;' for obviating of which Doubts, be it further declared and enacted, That all the Regulations contained in any Act or Acts for securing the Duties on or regulating the Manufacture of spread Window Glass or Crown Glass, and all the Provisions, Clauses, Enactments, Pains, Penalties, and Forfeitures in such Act or Acts contained, shall extend to and

Makers of Flint Glass, not securing or fraudulently removing Glass so intended to be stored, liable to full Duty, together with Penalties.

Plate Glass and *German Sheet* or Crown Glass not to be made at the same Time in the same House.

Declaring the Acts for securing the Duty on Crown Glass to extend to *German Sheet Glass*.

be put in force in securing the Duties on and regulating the Manufacture of *German Sheet Glass*.

Manufacturer of German Sheet Glass to provide a Room for depositing Goods not requiring to be annealed.

XVII. 'And whereas in the Manufacture of *German Sheet Glass* certain Goods and Wares are made which do not require to be annealed, and it is expedient to provide for securing the Duty on such Articles;' be it therefore enacted, That every Manufacturer of *German Sheet Glass* making any Goods or Wares which do not require to be annealed shall and he is hereby required to provide in his Glasshouse a good, sufficient, and well-lighted Room for the placing and depositing therein such Goods and Wares as do not require to be annealed in an annealing Arch; and such Room, and the Door or Entrance thereof, shall be securely locked, fastened, and sealed by the Officer or Officers of Excise under whose Survey such Maker shall from Time to Time be at all Times when there shall be any such Glass as aforesaid therein, save and except when the same shall be opened by such Officer or Officers for the Purpose of depositing therein such Glass as aforesaid, or of weighing and taking an Account of such Glass; and when any such Maker shall be desirous of having the Door or Entrance of such Room unlocked and opened for any of the Purposes aforesaid, such Maker shall give to the Officer of Excise under whose Survey he shall be One Hour's previous Notice in Writing of his Intention of depositing such Glass in such Room, and Six Hours Notice for weighing such Glass for the Charge of Duty, specifying in such Notice the particular Time and Hour when he is desirous to have the same so unlocked and opened, whereupon the Officer shall attend, pursuant to such Notice, and shall unlock and open the said Door or Entrance, and shall continue the same so unlocked and opened for so long a Time as shall be necessary for the Purpose specified in such Notice, and such Officer shall thereupon again lock, fasten, and secure the said Door or Entrance; and all Locks, Keys, and Fastenings requisite and necessary for locking and securing the said Room shall be provided and maintained at the Expence of such Manufacturer; and if any Maker of *German Sheet Glass* shall refuse to provide such Room as aforesaid, or to pay for any Lock, Key, or Fastening provided by the Supervisor of Excise for locking and securing the same, he shall forfeit One hundred Pounds.

Makers to deposit the German Sheet Glass or Wares not requiring to be annealed in Trays or Baskets to be provided by them, and to convey the same into the Room provided for that Purpose, as soon as filled, under the Penalty of 100*l*.

XVIII. And be it further enacted, That every Maker of *German Sheet Glass* who shall make or manufacture any *German Sheet Glass* which does not require to be put or deposited into any Lear, or to be annealed therein, such Maker having provided such Room as by this Act required for placing and depositing the same therein, shall, as soon as such *German Sheet Glass* shall be made or manufactured into Glass Wares, lay or deposit all such *German Sheet Glass*, or the Wares into which the same shall be made or manufactured, in Trays or Baskets, to be by him in that Behalf provided; and shall immediately, or so soon as the same shall be filled, carry and convey all such Trays or Baskets, with the Glass or Wares laid or deposited therein as aforesaid, into the Room by him provided for such Purpose, and shall place and deposit such Trays or Baskets, or the *German Sheet Glass* or Wares therein, in such Room, and keep and continue the same therein until the Officer shall

shall have finally weighed and taken an Account thereof for Charge of Duty; and every Maker of *German Sheet Glass* who shall make or manufacture any such Glass as aforesaid, and shall not so lay or deposit all such Glass, or the Wares into which the same shall be made or manufactured, in such Trays or Baskets as aforesaid, or who shall not immediately, or so soon as the same shall be filled, carry and convey every such Tray or Basket, with such Glass therein, into such Room as aforesaid, or who shall not place or deposit the *German Sheet Glass* or Wares therein in such Room, or shall not keep or continue the same therein until the Officer shall have finally weighed and taken an Account thereof as aforesaid, shall for every such Offence forfeit and lose the Sum of One hundred Pounds: Provided always, that any Officer or Officers of Excise shall be at liberty to weigh or take an Account of all *German Sheet Glass* brought into or deposited in such Room in such Manner and at such Times as he or they may think fit.

XIX. And be it further enacted, That every Maker of *German Sheet Glass* shall and he is hereby required to keep sufficient and just Scales and Weights in such Room as aforesaid, and shall at his own Expence find, provide, and affix within such Room fit and proper Hooks or Staples, and also permit and suffer any Officer or Officers of Excise at any Time to use the same for the Purpose of weighing and taking an Account of and re-weighing in such Room the Glass, as he may think fit, which shall at any Time be deposited therein; and if any such Maker shall neglect to keep such Scales and Weights, or either of them, or shall not at his own Expence find, provide, and affix in manner aforesaid such fit and proper Hooks or Staples as aforesaid, or shall not permit or suffer any Officer or Officers of Excise to use the same, such Maker shall for each and every such Offence forfeit and lose the Sum of One hundred Pounds; and if any such Maker shall in the weighing or re-weighing of any such *German Sheet Glass* make use of, or cause or procure or suffer to be made use of, any false, unjust, or insufficient Scales or Weights, or shall practise any Art, Device, or Contrivance by which any Officer or Officers may be hindered or prevented from taking the just and true Weight of any such *German Sheet Glass*, then and in every such Case such Maker shall for every such Offence forfeit the Sum of Two hundred Pounds, with all such false, unjust, or insufficient Scales and Weights respectively, and the same shall and may be seized by any Officer of Excise.

XX. And be it further enacted, That the Drawback now payable on unground and unpolished Plate Glass shall be and the same is hereby repealed; and no Drawback shall be allowed or payable on any Plate Glass exported after the passing of this Act from the United Kingdom, except such Glass shall be ground and polished, and in all other respects conformable to the Regulations in respect to the Drawback on and Export of ground and polished Plate Glass contained in an Act passed in the Fifty-sixth Year of the Reign of His Majesty King George the Third, intituled *An Act to repeal certain Drawbacks and countervailing Duties of Excise on Beer and Malt, and to alter the Drawbacks on Plate Glass, and to prevent Frauds therein.*

German Sheet Glass Makers to provide Scales and Weights in the Room for unannealed Glass.

Penalty for Neglect, 100*l.*

Making use of false Scales, Penalty 200*l.*

Drawback on unground and unpolished Plate Glass repealed.

56 G. 3. c. 108.

Repeal of the Restriction as to the Thickness of Plate Glass.

XXI. And be it further enacted, That so much of any Act or Acts as prohibits or prevents Plate Glass from being made or manufactured of any greater Thickness than Five Eighths of an Inch shall be and the same is hereby repealed; and it shall be lawful for any Maker of Plate Glass to make and manufacture the same of any Thickness: Provided always, that no Plate Glass shall be entitled to be exported on Drawback which shall be in any Part thereof when ground and polished of a less Thickness than One Eighth of an Inch.

Repeal of Certificate to accompany Glass from Ireland.

XXII. And be it further enacted, That so much of any Act or Acts as requires a Certificate of the Charge or Payment of Duty to accompany any Glass which shall be removed from *Ireland* into *Great Britain* shall be and the same is hereby repealed.

Act may be altered this Session.

XXIII. And be it further enacted, That this Act or any of the Provisions thereof may be repealed, altered, or amended by any Act to be passed in this present Session of Parliament.

### CAP. LXXVIII.

An Act to explain and amend an Act passed in the Second and Third Year of the Reign of King *William* the Fourth, for amending the Representation of the People in *Scotland*; and to diminish the Expences there.

[9th September 1835.]

‘ WHEREAS it is expedient that the Time for fixing the Day of Election of Members to serve in Parliament for Cities, Burghs, or Towns in *Scotland* should be shortened after the Receipts of the Writs by the Sheriff, and that the Poll at such Elections should be taken in One Day: And whereas an Act was passed in the Second and Third Year of the Reign of His present Majesty, intituled *An Act to amend the Representation of the People in Scotland*, whereby it is provided that the Day of Election shall be not less than Ten or more than Sixteen Days after the Day on which the Writ is received: Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That each Sheriff to whom any Writ for the Election of a Member or Members to serve for any City, Burgh, or Town, or District of Cities, Burghs, or Towns, shall be directed, under the Provisions of the said recited Act, shall endorse on the Back of the Writ the Day on which he received it, and shall (except only in the Cases herein-after provided) within Two Days thereafter announce a Day or Days for the Election or Elections, which Day or Days shall (except only in the Cases herein-after provided) be not less than Four nor more than Ten Days in Cities, Burghs, and Towns, or Districts of Cities, Burghs, and Towns, after the Day on which the Writ was received, and shall give due Intimation thereof as is provided in the said recited Act.

2 & 3 W. 4. c. 65.

Sheriff to endorse on the Writ the Day on which he received it, and within Two Days announce Time for the Election within Ten Days.

Proviso as to Shires and Districts of Burghs herein specified.

II. Provided always, and be it enacted, That in the Districts comprehending *Kirkwall, Wick, Dornoch, Dingwall, Tain, Cromarty, Ayr, Irvine, Campbelltown, Inverary, and Oban*, the Provisions of the said

said

said recited Act, in so far as they relate to the Announcement of the Day of Election, and the Interval to elapse between the Receipt of the Writ and the Proclamation thereof, shall remain in full Force and Effect, any thing contained in this Act notwithstanding.

III. And be it enacted, That the Sheriff may, if required by or on behalf of any Candidate, or, if not so required, if it shall appear to him expedient, increase or alter the Number, Situation, or Arrangement of the existing Polling Places and Districts, or Parts thereof, so that not more than Three hundred Electors shall be allotted to poll in each Booth or Compartment for any of the Cities, Burghs, or Towns within his Shire; and where an Alteration has been made by the Sheriff in the Number, Situation, or Arrangement of the Polling Places in any such City, Burgh, or Town, the Town Clerk shall forthwith make up a List of the Polling Places, and cause Copies thereof to be affixed to the Doors of all the Parish or Town Churches within such City, Burgh, or Town.

Sheriff may alter Polling Districts and Polling Places.

IV. And be it further enacted, That on the Requisition of any Candidate, or of any Elector being the Proposer or Seconder of any Candidate, the Booths or Compartments at each Polling Place shall be so divided and arranged by the Sheriff or his Substitute duly authorized by him that not more than One hundred Electors shall be allotted to poll in each such Booth or Compartment: Provided always, that such Candidate or Elector making such Requisition shall pay all Expences incident upon such Division or Arrangement.

Sheriff to arrange Booths so as not more than 100 Electors shall poll in each, the Candidate paying the Expences.

V. And be it enacted, That no Poll at any Election for any City, Burgh, or Town, or District of Cities, Burghs, or Towns, shall be kept open for more than One Day, and that only between the Hours of Eight in the Morning and Four in the Afternoon: Provided always, that at any Time after a Poll has been demanded the Poll at any One Place may be closed if all the Candidates or their Agents and the Sheriff or his Substitute shall agree in so closing it; and after the Poll shall have been closed at all the Polling Places the Sheriff or his Substitute may forthwith upon Receipt of the whole Poll Books, and after having summed them up, make Proclamation of the Member or Members chosen, at any Hour not later than Two of the Clock in the Afternoon, without waiting for the Day appointed for the Declaration: Provided also, that where the Proceedings at any Election shall be interrupted or obstructed by any Riot or open Violence, whether such Proceedings shall consist of the Nomination of Candidates or of the taking the Poll, the Sheriff or his Substitute at the Place where the Riot or open Violence has occurred may adjourn the Nomination or the taking the Poll at the particular Polling Place or Places at which such Riot or open Violence shall have happened to the following Day or some other convenient Time, and, if necessary, may repeat such Adjournment till such Interruption or Obstruction shall have ceased, he always giving Notice to the Sheriff, or his Substitute who is to make the Return, of such Adjournment having been made; and the State of the Poll shall not be finally declared, nor the Result of the Election proclaimed, until the Poll so interrupted or obstructed shall be closed and transmitted to the Sheriff or his Substitute who is to make the Return.

Polls only to be kept open One Day.

VI. And be it enacted, That where a Poll takes place for a District of Burghs situated in different Counties the Poll Books shall

Sheriff Substitutes to transmit their Poll Books to the Sheriff.

‘ to be lodged in the Office of the Remembrancer of the Court of  
 ‘ Exchequer in *Ireland*, and that the Amount stated in each such  
 ‘ Certificate to have been so advanced should be repaid by Five  
 ‘ equal Instalments, the First thereof to be made on the First  
 ‘ Day of *November* One thousand eight hundred and thirty-four,  
 ‘ and One of the Four remaining Instalments on the First Day of  
 ‘ *November* in each of the succeeding Four Years, in the Manner  
 ‘ and subject to the Conditions recited in the said Act: And  
 ‘ whereas under the Powers contained in the said Act Advances to  
 ‘ a large Amount have been made to Parties entitled to Tithes arising  
 ‘ out of Lands in *Ireland*, for the said Years One thousand eight  
 ‘ hundred and thirty-one, One thousand eight hundred and thirty-  
 ‘ two, and One thousand eight hundred and thirty-three: And  
 ‘ whereas it may be expedient not to enforce immediate Payment,  
 ‘ from the Parties to whom such Advances have been made, of  
 ‘ the several Instalments which became due from them on the First  
 ‘ Day of *November* One thousand eight hundred and thirty-four,  
 ‘ and which will become due on the First Day of *November* One  
 ‘ thousand eight hundred and thirty-five;’ be it therefore enacted  
 by the King’s most Excellent Majesty, by and with the Advice and  
 Consent of the Lords Spiritual and Temporal, and Commons, in  
 this present Parliament assembled, and by the Authority of the  
 same, That it shall be lawful for the Lords Commissioners of His  
 Majesty’s Treasury, if it shall seem to them expedient so to do, to  
 delay or suspend the Institution or Prosecution of any Proceedings  
 for Recovery or enforcing Payment of any such Instalments as afore-  
 said until after the Sixth Day of *April* One thousand eight hun-  
 dred and thirty-six.

Lords of Treas-  
 ury may sus-  
 pend Proceed-  
 ings for Re-  
 covery of In-  
 stalments until  
 6th April 1836.

### CAP. LXXX.

An Act to apply a Sum of Money out of the Consolidated  
 Fund and the Surplus of Ways and Means to the Service  
 of the Year One thousand eight hundred and thirty-  
 five, and to appropriate the Supplies granted in this  
 Session of Parliament. [10th *September* 1835.]

Most Gracious Sovereign,

**W**E, Your Majesty’s most dutiful and loyal Subjects, the Com-  
 mons of the United Kingdom of *Great Britain* and *Ireland*,  
 in Parliament assembled, towards making good the Supply which  
 we have cheerfully granted to Your Majesty in this Session of Par-  
 liament, have resolved to grant unto Your Majesty the Sums herein-  
 after mentioned; and do therefore most humbly beseech Your  
 Majesty that it may be enacted; and be it enacted by the King’s  
 most Excellent Majesty, by and with the Advice and Consent of the  
 Lords Spiritual and Temporal, and Commons, in this present Par-  
 liament assembled, and by the Authority of the same, That there  
 shall and may be issued and applied, for or towards making good  
 the Supply granted to His Majesty for the Service of the Year One  
 thousand eight hundred and thirty-five, the Sum of Three millions  
 one hundred and forty-seven thousand Pounds out of the Conso-  
 lidated Fund of the United Kingdom of *Great Britain* and *Ireland*,  
 and the Commissioners of His Majesty’s Treasury of the United  
 Kingdom of *Great Britain* and *Ireland*, or any Three or more of  
 them,

There shall be  
 applied, for the  
 Service of the  
 Year 1835,  
 3,147,000*l.*  
 out of the Con-  
 solidated Fund.

them, or the Lord High Treasurer of the United Kingdom of *Great Britain and Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

II. And be it further enacted, That it shall and may be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them for the Time being, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of His Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Three millions one hundred forty-seven thousand Pounds; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in and by an Act passed in the Forty-eighth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*.

The Treasury may cause 3,147,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1.

III. And be it further enacted, That all and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act passed in the Forty-eighth Year of the Reiga of His said late Majesty shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

The Clauses, &c. in recited Act extended to this Act.

IV. And be it further enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Interest on Exchequer Bills.

V. And be it declared and further enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or lend to His Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Three millions one hundred forty-seven thousand Pounds; any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against France*, or any other Act or Acts, to the contrary notwithstanding.

Bank of England may advance 3,147,000*l.* on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VI. And be it further enacted, That it shall be lawful for the said Commissioners of the Treasury and they are hereby authorized and empowered to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

Advances



Advances which may be made to His Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Money raised by Exchequer Bills to be applied to Services voted by the Commons.

VII. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VIII. And be it further enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund, of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

There shall be issued and applied, towards the Supply for 1835, 389,980*l.* 12*s.* 7*d.*, being the Surplus of Ways and Means for any preceding Years.

IX. And it is hereby also enacted, That there shall and may be issued and applied for or towards making good the Supply granted to His Majesty for the Service of the Year One thousand eight hundred and thirty-five the Sum of Three hundred eighty-nine thousand nine hundred and eighty Pounds Twelve Shillings and Seven-pence, being the Surplus of Ways and Means granted for the Service of any preceding Years; and the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

Monies coming into Exchequer by 5 W. 4. c. 3.;

15,000,000*l.* by Exchequer Bills, 5 W. 4. c. 4.;

Monies coming in by 5 W. 4. c. 9.;

X. And be it further enacted, That all the Monies coming into the Exchequer of *Great Britain* by an Act passed in the present Session of Parliament, intituled *An Act to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-five*; and also the Sum of Fifteen Millions granted by one other Act passed in the present Session of Parliament, intituled *An Act for raising the Sum of Fifteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five*; and all the Monies coming into the said Exchequer by one other Act passed in the present

present Session of Parliament, intituled *An Act to apply a Sum of Eight Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-five*; and also all the Monies to be raised by Exchequer Bills, not exceeding Three Millions, by virtue of one other Act passed in the present Session of Parliament, intituled *An Act for continuing to His Majesty, until the Fifth Day of July One thousand eight hundred and thirty-six, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-five*; and also the Sum of Thirteen millions five hundred twenty-one thousand five hundred and fifty Pounds granted by one other Act passed in the present Session of Parliament, intituled *An Act for raising the Sum of Thirteen millions five hundred twenty-one thousand five hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five*; and also the respective Sums of Three millions one hundred forty-seven thousand Pounds and Three hundred eighty-nine thousand nine hundred and eighty Pounds Twelve Shillings and Seven-pence, by this Act granted, shall be further appropriated, and are hereby appropriated, and shall be issued and applied for and towards the several Uses and Purposes hereafter expressed.

XI. And it is hereby also enacted, That out of all or any the Aid or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four millions two hundred forty-five thousand seven hundred and twenty-three Pounds, for and towards the Naval Services herein-after more particularly mentioned; that is to say, any Sum or Sums of Money not exceeding Nine hundred thirty-three thousand and fifty-four Pounds, for Wages to Twenty-six thousand five hundred Seamen and Marines, and to the Ordinary and Yard Craft, which will come in course of Payment in the Year ending the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Three hundred thirty-nine thousand eight hundred and twenty-five Pounds, to defray the Charge of Victuals for Seamen and Marines in His Majesty's Fleet, and for the Ordinary and Yard Craft, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding One hundred and eight thousand eight hundred and forty-four Pounds, to defray the Salaries of the Officers and the contingent Expences of the Admiralty Office, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Twenty-two thousand one hundred and eighty-three Pounds, to defray the Salaries of the Officers and the contingent Expences of the Navy Pay Office, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Twenty-four thousand five hundred and ninety Pounds, to defray the Salaries of the Officers and the contingent Expences of the several Scientific Departments of the Navy, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Eight hundred nineteen thousand one hundred and three Pounds, to defray the Charge of Half Pay to Officers of the Navy and Royal Marines which shall come in course of Payment during the Year ending on the Thirty-first Day

Monies coming in by 5&6W.4.c.12.;

13,521,550*l.* by Exchequer Bills; 5&6W.4.c.44.;

and 3,147,000*l.* and 389,980*l.* 12*s.* 7*d.* by this Act, shall be applied as hereafter expressed.

There shall be applied 4,245,723*l.* for Naval Services; viz.

933,054*l.* for Wages to 26,500 Seamen and Marines, &c.;

339,825*l.* for Victuals for Seamen, &c. in the Navy;

108,844*l.* for Salaries, &c. of the Admiralty Office;

22,183*l.* for the Navy Pay Office;

24,590*l.* for the Scientific Departments of the Navy;

819,103*l.* for Naval Half Pay;

Advances which may be made to His Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Money raised by Exchequer Bills to be applied to Services voted by the Commons.

VII. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

VIII. And be it further enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund, of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

There shall be issued and applied, towards the Supply for 1835, 389,980*l.* 12*s.* 7*d.*, being the Surplus of Ways and Means for any preceding Years.

IX. And it is hereby also enacted, That there shall and may be issued and applied for or towards making good the Supply granted to His Majesty for the Service of the Year One thousand eight hundred and thirty-five the Sum of Three hundred eighty-nine thousand nine hundred and eighty Pounds Twelve Shillings and Seven-pence, being the Surplus of Ways and Means granted for the Service of any preceding Years; and the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

Monies coming into Exchequer by 5 W. 4. c. 3.;

15,000,000*l.* by Exchequer Bills, 5 W. 4. c. 4.;

Monies coming in by 5 W. 4. c. 9.;

X. And be it further enacted, That all the Monies coming into the Exchequer of *Great Britain* by an Act passed in the present Session of Parliament, intituled *An Act to apply certain Sums to the Service of the Year One thousand eight hundred and thirty-five*; and also the Sum of Fifteen Millions granted by one other Act passed in the present Session of Parliament, intituled *An Act for raising the Sum of Fifteen Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five*; and all the Monies coming into the said Exchequer by one other Act passed in the present

present Session of Parliament, intituled *An Act to apply a Sum of Eight Millions, out of the Consolidated Fund, to the Service of the Year One thousand eight hundred and thirty-five*; and also all the Monies to be raised by Exchequer Bills, not exceeding Three Millions, by virtue of one other Act passed in the present Session of Parliament, intituled *An Act for continuing to His Majesty, until the Fifth Day of July One thousand eight hundred and thirty-six, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty-five*; and also the Sum of Thirteen millions five hundred twenty-one thousand five hundred and fifty Pounds granted by one other Act passed in the present Session of Parliament, intituled *An Act for raising the Sum of Thirteen millions five hundred twenty-one thousand five hundred and fifty Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-five*; and also the respective Sums of Three millions one hundred forty-seven thousand Pounds and Three hundred eighty-nine thousand nine hundred and eighty Pounds Twelve Shillings and Seven-pence, by this Act granted, shall be further appropriated, and are hereby appropriated, and shall be issued and applied for and towards the several Uses and Purposes hereafter expressed.

Monies coming  
in by  
5 & 6 W. 4. c. 12.;

13,521,550*l.* by  
Exchequer  
Bills,  
5 & 6 W. 4. c. 44.;

and 3,147,000*l.*  
and 389,980*l.*  
12*s.* 7*d.* by  
this Act, shall  
be applied as  
hereafter ex-  
pressed.

XI. And it is hereby also enacted, That out of all or any the Aid or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four millions two hundred forty-five thousand seven hundred and twenty-three Pounds, for and towards the Naval Services herein-after more particularly mentioned; that is to say, any Sum or Sums of Money not exceeding Nine hundred thirty-three thousand and fifty-four Pounds, for Wages to Twenty-six thousand five hundred Seamen and Marines, and to the Ordinary and Yard Craft, which will come in course of Payment in the Year ending the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Three hundred thirty-nine thousand eight hundred and twenty-five Pounds, to defray the Charge of Victuals for Seamen and Marines in His Majesty's Fleet, and for the Ordinary and Yard Craft, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding One hundred and eight thousand eight hundred and forty-four Pounds, to defray the Salaries of the Officers and the contingent Expences of the Admiralty Office, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Twenty-two thousand one hundred and eighty-three Pounds, to defray the Salaries of the Officers and the contingent Expences of the Navy Pay Office, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Twenty-four thousand five hundred and ninety Pounds, to defray the Salaries of the Officers and the contingent Expences of the several Scientific Departments of the Navy, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Eight hundred nineteen thousand one hundred and three Pounds, to defray the Charge of Half Pay to Officers of the Navy and Royal Marines which shall come in course of Payment during the Year ending on the Thirty-first Day

There shall  
be applied  
4,245,723*l.*  
for Naval  
Services; viz.

933,054*l.* for  
Wages to 26,500  
Seamen and  
Marines, &c.;

339,825*l.* for  
Victuals for  
Seamen, &c. in  
the Navy;

108,844*l.* for  
Salaries, &c. of  
the Admiralty  
Office;

22,183*l.* for the  
Navy Pay  
Office;

24,590*l.* for the  
Scientific De-  
partments of the  
Navy;

819,103*l.* for  
Naval Half  
Pay;

522,695*l.* for  
Military Pen-  
sions ;

219,625*l.* for  
Civil Pensions ;

350,612*l.* for  
Wages of Arti-  
ficers at Home ;

361,713*l.* for  
Naval Stores,  
&c. ;

19,518*l.* for  
Medicines, &c. ;

26,548*l.* for  
Naval Miscel-  
laneous Ser-  
vices ;

169,450*l.* to  
defray the  
Charge of  
Transports ;

98,550*l.* for  
conveying  
Convicts to  
*N. S. Wales* ;

118,547*l.* for  
Naval Estab-  
lishments at  
Home ;

22,661*l.* for  
Naval Estab-  
lishments  
Abroad ;

25,765*l.* for  
Wages of Arti-  
ficers Abroad ;

of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Five hundred twenty-two thousand six hundred and ninety-five Pounds, to defray the Charge of Military Pensions and Allowances which shall come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Two hundred nineteen thousand six hundred and twenty-five Pounds, to defray the Charge of Civil Pensions and Allowances which shall come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Three hundred fifty thousand six hundred and twelve Pounds, to pay the Wages of Artificers, Labourers, and others employed in His Majesty's Naval Establishments at Home, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Three hundred sixty-one thousand seven hundred and thirteen Pounds, for the Purchase of Naval Stores for the Building and Repair of Ships, and the Purchase of Ships and Vessels, Purchase of Steam Machinery, and for other Purposes connected therewith, also for the Repair of Docks, Wharfs, and Buildings, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Nineteen thousand five hundred and eighteen Pounds, to defray the Charge of Medicines and Medical Stores, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Twenty-six thousand five hundred and forty-eight Pounds, to defray the Charge of divers Naval Miscellaneous Services, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding One hundred sixty-nine thousand four hundred and fifty Pounds, to defray the Charge of Transports on monthly Pay for One Year, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, and to defray the other Charges for the Conveyance and Victualling of Troops, and for the Freight of Stores on account of the Army and Ordnance Departments, which shall come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Ninety-eight thousand five hundred and fifty Pounds, to defray the Expence of conveying Convicts to *New South Wales* which shall come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding One hundred eighteen thousand five hundred and forty-seven Pounds, to defray the Salaries of the Officers and the contingent Expences of His Majesty's Naval Establishments at Home, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Twenty-two thousand six hundred and sixty-one Pounds, to defray the Salaries of the Officers and the contingent Expences of His Majesty's Naval Establishments Abroad, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Twenty-five thousand seven hundred and sixty-five Pounds, to pay the Wages of Artificers, Labourers,

Labourers, and others employed in His Majesty's Naval Establishments Abroad, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Sixty-two thousand four hundred and forty Pounds, to defray the Charge of new Works and Improvements in the Yards, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six.

XII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six millions one hundred eighty-eight thousand two hundred and ninety-one Pounds Six Shillings and Five-pence, for and towards the Army Services hereinafter more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Two millions nine hundred seventy-eight thousand five hundred and twenty-eight Pounds Six Shillings and Seven-pence, for defraying the Charge of His Majesty's Land Forces for Service in the United Kingdom of *Great Britain* and *Ireland*, and on Stations Abroad (excepting the Regiments employed in the Territorial Possessions of the *East India Company*), for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding Seventy-eight thousand four hundred and thirty-four Pounds and Ten-pence, for defraying the Charge of the Allowances to the principal Officers of the several Public Departments in *Great Britain* and *Ireland*, their Deputies, Clerks, and contingent Expences, for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding Nine thousand four hundred and forty Pounds, for defraying the Charge of the Royal Military Asylum and of the *Hibernian* Military School, for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding One million two hundred seventy-five thousand six hundred and seventy-five Pounds Six Shillings and One Penny, for defraying the Charge of *Chelsea* and *Kilmainham* Hospitals, of the In-Pensioners of those Establishments, and of the Out-Pensioners of *Chelsea* Hospital, for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding One hundred and nine thousand five hundred and fifty-eight Pounds Sixteen Shillings, for defraying the Charge of Volunteer Corps in *Great Britain*, for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding One hundred eighteen thousand one hundred and eleven Pounds Four Shillings and Sixpence, for defraying the Charge of General Staff Officers, and Officers of the Hospitals, serving with His Majesty's Forces in the United Kingdom of *Great Britain* and *Ireland*, and on Foreign Stations (excepting *India*),

62,440*l.* for  
new Works in  
Yards.

There shall  
be applied  
6,188,291*l.* 6*s.*  
5*d.* for Land  
Forces; viz.

2,978,528*l.* 6*s.*  
7*d.* for Forces  
in U. K. and  
Stations Abroad  
(except the  
*East Indies*);

78,434*l.* 0*s.* 10*d.*  
for Allowances  
to Officers, &c.  
of Public  
Departments;

9,440*l.* for  
Royal Military  
Asylum;

1,275,675*l.* 6*s.*  
1*d.* for *Chelsea*  
and *Kilmainham*  
Hospitals;

109,558*l.* 16*s.*  
for Volunteer  
Corps;

118,111*l.* 4*s.*  
6*d.* for General  
Staff Officers,  
&c.;

and

and of His Majesty's Garrisons of the *Cinque Ports* and the *Tower of London*, for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding Fifteen thousand nine hundred and sixty-six Pounds One Shilling and Ten-pence, for defraying the Charge of Rewards for distinguished Military Services, and also of Allowances to Officers of His Majesty's Garrisons holding their Appointments as Rewards for Military Service in the United Kingdom of *Great Britain* and *Ireland* and on Foreign Stations, for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding One hundred and six thousand Pounds, for defraying the Charge of the Pay of General Officers in His Majesty's Forces not being Colonels of Regiments, for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding Five hundred eighty-five thousand five hundred Pounds, for defraying the Charge of Full Pay for Reduced and Retired Officers of His Majesty's Forces, for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding Seventy-eight thousand Pounds, for defraying the Charge of Half Pay and Military Allowances to Reduced and Retired Officers of His Majesty's Land Forces, for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding Seventy-eight thousand and eighty Pounds, for defraying the Charge of Half Pay and Reduced Allowances to Officers of disbanded Foreign Corps, of Pensions to wounded Foreign Officers, and of Allowances to the Widows and Children of deceased Foreign Officers, for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding One hundred forty-eight thousand nine hundred and twenty-nine Pounds, for defraying the Charge of Pensions to be paid to the Widows of Officers of His Majesty's Land Forces, for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding One hundred fifty-nine thousand Pounds, for defraying the Charge of Allowances on the Compassionate List, of Allowances as of His Majesty's Royal Bounty, and of Pensions, Gratuities, and Allowances to Officers for Wounds, for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding Forty-four thousand five hundred and eighty-five Pounds Two Shillings and Eight-pence, for defraying the

Charge

15,966*l.* 1*s.* 10*d.*  
for Rewards for  
distinguished  
Military Ser-  
vices;

106,000*l.* for  
ertain General  
Officers;

78,000*l.* for Full  
Pay for Retired  
Officers;

585,500*l.* for  
Half Pay;

78,080*l.* for  
Half Pay, &c.  
to Officers of  
disbanded Fo-  
reign Corps;

148,929*l.* for  
Pensions to  
Widows;

159,000*l.* for  
Compassionate  
List, &c.;

44,585*l.* 2*s.* 8*d.*  
for Superannua-  
tions in Public  
Departments;

Charge of Allowances, Compensations, and Emoluments in the Nature of Superannuation or Retired Allowances, to Persons formerly belonging to the several Public Departments in the United Kingdom of *Great Britain and Ireland*, for the Year from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding One hundred twenty-four thousand five hundred and thirty Pounds Eight Shillings and Two-pence, to defray the Expence of the Commissariat Department to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Fifty-one thousand four hundred and forty-three Pounds Sixteen Shillings and Five-pence, to defray the Expence of Half Pay, Pensions, and Allowances in the Commissariat Department to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Seven thousand six hundred and forty-eight Pounds, for defraying the Charge of augmenting the Pay of certain General Officers from their present daily Rates to Four hundred Pounds *per Annum* each, from the First Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six both Days inclusive; and any Sum or Sums of Money not exceeding Two hundred eighteen thousand eight hundred and sixty-one Pounds Three Shillings and Four-pence, to defray the Charge of the Disembodied Militia of the United Kingdom of *Great Britain and Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six.

XIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One million two hundred ninety-six thousand and fifty-nine Pounds, for and towards the Ordnance Services herein-after more particularly mentioned; that is to say, any Sum or Sums of Money not exceeding Seventy-one thousand one hundred and ninety-three Pounds, for defraying the Salaries to the Master General and the principal Officers and Clerks belonging to the Office of Ordnance at the *Tower, Pall Mall, and Dublin*, for the Year One thousand eight hundred and thirty-five—six; and any Sum or Sums of Money not exceeding Eight thousand two hundred and six Pounds, for defraying the Salaries to the Departments of the Office of Ordnance at *Woolwich*, for the Year One thousand eight hundred and thirty-five—six; and any Sum or Sums of Money not exceeding Fourteen thousand eight hundred and eighty-one Pounds, for defraying the Salaries at the Home Stations, for the Year One thousand eight hundred and thirty-five—six; and any Sum or Sums of Money not exceeding Twenty-seven thousand nine hundred and eighty-three Pounds, for defraying the Salaries of the Establishments of the Office of Ordnance at the Out Stations in *Ireland* and Foreign Stations, for the Year One thousand eight hundred and thirty-five—six; and any Sum or Sums of Money not exceeding Thirty-five thousand four hundred and seventy-seven Pounds, for defraying the Salaries to the several Barrack Masters and Barrack Serjeants in *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-five—six; and any Sum or Sums of Money

124,590*l.* 8*s.*  
2*d.* for the  
Commissariat;

51,443*l.* 16*s.*  
5*d.* for Half Pay  
and Pensions of  
Commissariat;

7,648*l.* for  
augmenting the  
Pay of General  
Officers;

218,861*l.* 3*s.*  
4*d.* for Dis-  
embodied  
Militia.

1,296,059*l.* for  
Ordnance De-  
partment;

71,193*l.* for  
Ordnance at  
the *Tower*, &c.;

8,206*l.* for the  
Departments at  
*Woolwich*;

14,881*l.* for  
Ordnance  
Establishments  
at Home;

27,983*l.* for  
those Abroad  
and in *Ireland*;

35,477*l.* for  
Salaries to  
Barrack  
Masters, &c.;



4,459*l.* for  
Master Gun-  
ners ;

74,934*l.* for the  
Corps of Royal  
Engineers,  
Sappers, &c. ;

275,445*l.* for  
the Royal  
Regiment of  
Artillery ;

35,962*l.* for  
Royal Horse  
Artillery, &c. ;

604*l.* for Di-  
rector of the  
Artillery, &c. ;

10,040*l.* for the  
Medical Estab-  
lishment of the  
Ordnance ;

30,088*l.* for Su-  
perintendence  
of Ordnance  
Works, &c. ;

1,684*l.* for Ord-  
nance Works  
and Repairs,  
&c. ;

28,216*l.* for  
superintending  
building, &c.  
of Barracks ;

68,203*l.* for  
building Bar-  
racks ;

not exceeding Four thousand four hundred and fifty-nine Pounds, for defraying the Expence of Master Gunners at the several Garrisons and Batteries in *Great Britain, Guernsey, Jersey, and Ireland*, for the Year One thousand eight hundred and thirty-five—six ; and any Sum or Sums of Money not exceeding Seventy-four thousand nine hundred and thirty-four Pounds, for defraying the Expence of the Corps of Royal Engineers, the Corps of Royal Sappers and Miners, and of the Establishment for the Instruction of Royal Sappers and Miners and junior Officers in the Corps of Royal Engineers, for *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-five—six ; and any Sum or Sums of Money not exceeding Two hundred seventy-five thousand four hundred and forty-five Pounds, for defraying the Expence of the Royal Regiment of Artillery for *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-five—six ; and any Sum or Sums of Money not exceeding Thirty-five thousand nine hundred and sixty-two Pounds, for defraying the Expence of the Royal Horse Artillery, and also for the Riding House Troop, for *Great Britain and Ireland*, for the Year One thousand eight hundred and thirty-five—six ; and any Sum or Sums of Money not exceeding Six hundred and four Pounds, for defraying the Expence of the Director General of Artillery and Field Train Department, for the Year One thousand eight hundred and thirty-five—six ; and any Sum or Sums of Money not exceeding Ten thousand and forty Pounds, for defraying the Expence of the Medical Establishment for the Military Department of the Ordnance in *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-five—six ; and any Sum or Sums of Money not exceeding Thirty thousand eight hundred and eighty-eight Pounds, for defraying the Charge for the Superintendence of Ordnance Works and Repairs in *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-five—six ; and any Sum or Sums of Money not exceeding One thousand six hundred and eighty-four Pounds, for defraying the Expences of Ordnance Works and Repairs, and Storekeepers Expenditure, in *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-five—six, after deducting Ten thousand Pounds, Part of Twenty thousand Pounds voted in the Estimate last Year for Stores for Foreign Works and Repairs, and One hundred forty-six thousand one hundred and forty-five Pounds for Rents, Sale of Lands and Premises, Sale of Arms, old Stores, *et cetera* ; and any Sum or Sums of Money not exceeding Twenty-eight thousand two hundred and sixteen Pounds, for defraying the Charge for the Superintendence of the building and repair of Barracks in *Great Britain, Ireland*, and the Colonies, for the Year One thousand eight hundred and thirty-five—six ; and any Sum or Sums of Money not exceeding Sixty-eight thousand two hundred and three Pounds, for defraying the Expence of building and repair of Barracks in *Great Britain, Ireland*, and the Colonies, after deducting Ten thousand Pounds, Part of Twenty thousand Pounds, voted in the Estimate last Year for Stores for Foreign Works and Repairs, and Fifty-three thousand eight hundred and fifty-five Pounds for Rents of Canteens, *et cetera*, Sale of Lands and Premises, *et cetera*, for the Year One thousand eight

eight hundred and thirty-five—six; and any Sum or Sums of Money not exceeding Sixty-four thousand and eleven Pounds, for defraying the Expence of Barrack Masters Expenditure, Allowances to Barrack Masters, and Lodging Money to Officers in *Great Britain, Ireland,* and the Colonies, for the Year One thousand eight hundred and thirty-five—six; and any Sum or Sums of Money not exceeding One hundred thirty-one thousand nine hundred and thirty-two Pounds, for defraying the Expence of Military, Civil, and Barrack Contingencies in *Great Britain, Ireland,* and the Colonies, for the Year One thousand eight hundred and thirty-five—six; and any Sum or Sums of Money not exceeding Sixty-five thousand Pounds, for defraying the Expence of Stores for Ordnance and Military Store Branch Services in *Great Britain, Ireland,* and the Colonies, for the Year One thousand eight hundred and thirty-five—six; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, for defraying the Expence of Stores for the Year One thousand eight hundred and thirty-six—seven, required for Foreign Works and Repairs, which are either Works in progress under the Sanction of Parliament or Repairs annually occurring, and will be deducted from the Estimate for the Year One thousand eight hundred and thirty-six—seven; and any Sum or Sums of Money not exceeding One thousand six hundred Pounds, for defraying the Expence of Services performed by the Office of Ordnance and not provided for by Parliament, in the Year One thousand eight hundred and thirty-four—five; and any Sum or Sums of Money not exceeding One hundred sixty-four thousand two hundred and fifty-eight Pounds, for defraying the Charge of the Ordnance, Military, and Civil Superannuations, *videlicet*, on account of Allowances to Superannuated, Retired, and Half Pay Officers, Pensions for good Services, Inventions, and Wounds, and Pensions to Widows and Children of deceased Officers late belonging to the Ordnance Military Corps, and also for Allowances, Compenations, and Emoluments in the Nature of Superannuated or Retired Allowances, to Persons late belonging to the Ordnance and Barrack Departments, in respect of their having held any Public Offices or Employments of a Civil Nature, and also for the Charge of Widows Pensions, for *Great Britain and Ireland,* for the Year One thousand eight hundred and thirty-five—six; and any Sum or Sums of Money not exceeding One hundred sixty-one thousand and eighty-three Pounds, for defraying the Expence of the Supply of Bread, Meat, and Forage, Coals, Candles, and Straw, *et cetera*, for His Majesty's Troops in *Great Britain,* and for the Supply of Coals, Candles, Oil, Oats, *et cetera*, to certain Stations in the Colonies, for the Year One thousand eight hundred and thirty-five—six.

XIV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-eight millions three hundred eighty-four thousand seven hundred Pounds, to pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies of the Years One thousand eight hundred and thirty-four or One thousand

64,011*l.* for Barrack Masters Expenditure, &c. ;

131,932*l.* for Military, Civil, and Barrack Contingencies ;

65,000*l.* for Ordnance, &c. ;

20,000*l.* for Stores for Foreign Works ;

1,600*l.* for Ordnance Services ;

164,258*l.* for Ordnance Superannuations, Retired Allowances, Pensions, &c. ;

161,083*l.* for Bread, &c. for Troops in *Great Britain,* and for Coals, &c. to Stations in the Colonies.

There shall be issued 28,384,700*l.* to pay off Exchequer Bills charged on the Aids of 1834 or 1835 ;

eight hundred and thirty-five, now remaining unpaid and unprovided for.

and also  
621,500*l.* to pay  
off Exchequer  
Bills for carry-  
ing on Public  
Works, &c. in  
the *West Indies*.

XV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six hundred twenty-one thousand five hundred Pounds, to pay off and discharge Exchequer Bills issued pursuant to several Acts for carrying on Public Works, and for the Relief of Persons who have sustained Losses in the *West Indies*, outstanding and unprovided for.

1,940*l.* for Civil  
Establishment  
of the *Bahama  
Islands* ;

XVI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One thousand nine hundred and forty Pounds, to defray the Charge of the Civil Establishment of the *Bahama Islands*, and the incidental Charges attending the same, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Four thousand five hundred and ninety-nine Pounds Thirteen Shillings and Four-pence, to defray the Charge of the Civil Establishment of the *Bermuda Islands*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Three thousand one hundred and twenty Pounds, to defray the Charge of the Civil Establishment of *Prince Edward's Island*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Twelve thousand and thirty Pounds Fifteen Shillings and Ten-pence, to defray the Charge of the Civil Establishments on the Western Coast of *Africa*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Fourteen thousand two hundred and ninety Pounds Eighteen Shillings and Sixpence, to defray the Expences of the Ecclesiastical Establishments of the *British North American Provinces*, for the Year One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Seven thousand four hundred and seven-teen Pounds One Shilling and Eight-pence, to defray the Expences of the Settlement in *Western Australia*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray the Expence of the Establishment of the *Indian Department* in *Upper and Lower Canada*, in the Year One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Nine hundred and sixty-three Pounds and Ten-pence, to defray the Expence of the Civil Government of *Heligoland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Nine thousand six hundred Pounds, in aid of the Expence of the Civil Government of *Newfoundland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Six thousand six hundred and eighty-five Pounds Eleven Shillings and Sixpence, in aid of the Expence of the Civil Government of *Nova Scotia*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Seventy thousand

4,599*l.* 13*s.* 4*d.*  
for *Bermuda  
Islands* ;

3,120*l.* for  
*Prince Edward's  
Island* ;

12,090*l.* 15*s.*  
10*d.* for *Western  
Africa* ;

14,290*l.* 18*s.* 6*d.*  
for *British  
North American  
Provinces, &c.* ;

7,417*l.* 1*s.* 8*d.*  
for *Western  
Australia* ;

20,000*l.* for  
*Upper and  
Lower Canada* ;

963*l.* 0*s.* 10*d.*  
for *Heligoland* ;

9,600*l.* for  
*Newfoundland* ;

6,685*l.* 11*s.* 6*d.*  
for *Nova Scotia* ;

70,000*l.* for  
*St. Helena* ;

Pounds,

Pounds, to defray the Charge of the Civil and Military Establishments and Expenditure at the Island of *Saint Helena*, from the Twenty-third Day of *April* One thousand eight hundred and thirty-five to the Thirty-first Day of *March* One thousand eight hundred and thirty-six.

XVII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty-two thousand seven hundred Pounds, to pay the Allowances and Expences of the Barristers employed in revising Lists of Voters under the Act for amending the Representation of the People in *England* and *Wales*; and any Sum or Sums of Money not exceeding One hundred and thirty thousand Pounds, to defray the Charge of Civil Contingencies, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Seventeen thousand seven hundred and ninety-six Pounds to defray the estimated Expenditure of the *British Museum*, for the Year ending at *Christmas* One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Forty-one thousand two hundred Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, the Expence of Works and Repairs of Public Buildings, and for Furniture and other Charges, for lighting and watching, and for the Maintenance and Repairs of Royal Palaces and Works in the Royal Gardens, heretofore charged upon the Civil List; and any Sum or Sums of Money not exceeding Nineteen thousand seven hundred and fifty Pounds, to defray the Expence of Works and Repairs at the Harbour of *Kingstown*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Eleven thousand eight hundred and seventy-five Pounds, to defray the Expence of Works and Repairs at *Port Patrick* Harbour, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Five thousand four hundred and seventy-eight Pounds, to defray the Expences of the *Holyhead* and *Liverpool* Roads, and *Holyhead* and *Howth* Harbours, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Sixteen thousand Pounds, to defray the Charge of the new Buildings at the *British Museum*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Twelve thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, the Expence of erecting a National Gallery; and any Sum or Sums of Money not exceeding Seven thousand six hundred and sixty-five Pounds, to defray the Charge of finishing the Interior of *Whitehall* Chapel; and any Sum or Sums of Money not exceeding Forty-four thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, the necessary Expence of providing temporary Accommodation for the Houses of Lord and Commons in consequence of the late Fire; and any Sum or Sums of Money not exceeding Six thousand one hundred and twenty-nine Pounds, to defray the Expence of additional Works at the new Post Office Station at *Hobbs Point*, to the Thirty-first Day of *March* One

22,700*l.* to Revising Barristers under 2 W. 4. c. 45.;

130,000*l.* for Civil Contingencies;

17,796*l.* for the *British Museum*;

41,200*l.* for Repairs of Public Buildings and Furniture of Public Offices;

19,750*l.* for *Kingstown* Harbour;

11,875*l.* for *Port Patrick* Harbour;

5,478*l.* for *Holyhead* Road;

16,000*l.* for the *British Museum*;

12,000*l.* for a National Gallery;

7,665*l.* for *Whitehall* Chapel;

44,000*l.* for accommodating Houses of Parliament;

6,129*l.* for Works at *Hobbs Point*;

50,700 <i>l.</i> for the Officers of the Houses of Lords and Commons ;	thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Fifty thousand seven hundred Pounds, to defray the Charge of those Salaries of the Officers of the House of Lords and of the House of Commons, and of Pensions for retired Officers of the Two Houses, which are paid at the Treasury, and also of the Amount which will be required in aid of the Fee Funds of the Two Houses, in the Year One thousand eight hundred and thirty-five ; and any Sum or Sums of Money not exceeding
22,400 <i>l.</i> for the Expences of both Houses ;	Twenty-two thousand four hundred Pounds, to defray the Expences of the House of Lords and of the House of Commons,
36,500 <i>l.</i> for Fee Fund at the Treasury ;	in the Year One thousand eight hundred and thirty-five ; and any Sum or Sums of Money not exceeding Thirty-six thousand five hundred Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Treasury, to the Thirty-first Day of <i>March</i> One thousand eight hundred and thirty-six ;
70,122 <i>l.</i> for Ditto at Home Office ;	and any Sum or Sums of Money not exceeding Ten thousand one hundred and twenty-two Pounds, to make good the Deficiency of the Fee Fund in the Office of His Majesty's Secretary of State for the Home Department, to the Thirty-first Day of <i>March</i> One
19,487 <i>l.</i> at the Foreign Office ;	thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Thirteen thousand four hundred and eighty-seven Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Secretary of State for Foreign Affairs, to the Thirty-first Day of <i>March</i> One thousand
12,432 <i>l.</i> at the Colonial Office ;	eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Twelve thousand four hundred and thirty-two Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Secretary of State for the Colonies, to the Thirty-first Day of <i>March</i> One thousand eight hundred and thirty-six ;
18,642 <i>l.</i> at the Privy Council Office ;	and any Sum or Sums of Money not exceeding Eighteen thousand six hundred and forty-two Pounds, to make good the Deficiency of the Fee Fund in the Department of His Majesty's Most Honourable Privy Council and Committee of Privy Council for Trade, to the Thirty-first Day of <i>March</i> One thousand eight hundred
6,000 <i>l.</i> for Contingencies at the Treasury ;	and thirty-six ; and any Sum or Sums of Money not exceeding Six thousand Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Treasury, to the Thirty-first Day of <i>March</i> One thousand eight hundred
5,414 <i>l.</i> for Contingencies in the Home Department ;	and thirty-six ; and any Sum or Sums of Money not exceeding Five thousand four hundred and fourteen Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Secretary of State for the Home Department, to the Thirty-first Day of <i>March</i> One thousand eight hundred and
31,500 <i>l.</i> for Contingencies in the Foreign Department ;	thirty-six ; and any Sum or Sums of Money not exceeding Thirty-one thousand five hundred Pounds, to defray the contingent Expences and Expences of Messengers in the Department of His Majesty's Secretary of State for Foreign Affairs, to the Thirty-first Day of <i>March</i> One thousand eight hundred and thirty-six ;
5,200 <i>l.</i> for Contingencies in the Colonial Department ;	and any Sum or Sums of Money not exceeding Five thousand two hundred Pounds, to defray the contingent Expences and Messengers Bills in the Department of His Majesty's Secretary of State for the Colonies, to the Thirty-first Day of <i>March</i> One thousand
4,150 <i>l.</i> for Contingencies at the Privy Council, &c. ;	eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Four thousand one hundred and fifty Pounds, to defray

defray the contingent Expences and Messengers Bills in the Department of His Majesty's Most Honourable Privy Council and Committee of Privy Council for Trade, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Twenty-two thousand and ninety-two Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, the Salaries and contingent Expences in the Departments of the Comptroller General of the Exchequer and the Paymaster of Civil Services; and any Sum or Sums of Money not exceeding Three thousand seven hundred Pounds, to defray the Expences of the Messengers attending the First Lord of the Treasury and Chancellor of the Exchequer, the Four Patent Messengers of the Court of Exchequer, and various ancient Allowances to Officers of that Court, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Two thousand and six Pounds, to defray the Charge of Salaries and Allowances to certain Professors in the Universities of *Oxford* and *Cambridge*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Two Millions to discharge the like Amount of Supplies granted for the Service of the Year One thousand eight hundred and thirty-four, or any preceding Year; and any Sum or Sums of Money not exceeding Twelve thousand Pounds, to pay the Salaries of the Commissioners of the Insolvent Debtors Court, and of their Clerks, the contingent Expences of the Court and Office, and also the Expences attendant upon their Circuits, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding One thousand four hundred and sixty-one Pounds, to pay the Salaries of the Officers and the contingent Expences of the Office for the Registration of Aliens to the Fifth Day of *April* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Seventeen thousand Pounds, to defray the Charge of the Penitentiary at *Milbank*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Four thousand and ninety-four Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, the Salaries and other Expences of the State Paper Office, the Office for the Custody of Records in the *Tower*, and the Office for the Custody of Records in the Chapter House, *Westminster*; and any Sum or Sums of Money not exceeding Five thousand one hundred and fifty Pounds, to defray, in the Year One thousand eight hundred and thirty-five, the Expences of the Commission appointed to inquire into the existing State of Municipal Corporations in *Great Britain* and *Ireland*; and any Sum or Sums of Money not exceeding Ten thousand two hundred Pounds, to defray the Expences of the Commission for digesting the several Statutes relating to the Criminal and other Law; and any Sum or Sums of Money not exceeding Two thousand seven hundred Pounds, for defraying, for One Year, the Expences of the Commission for inquiring into County Rates and the Authority for the Receipt of Fees by Magistrates and Sheriffs; and any Sum or Sums of Money not exceeding Forty-two thousand eight hundred and forty-one Pounds, to defray, in the Year

22,092*l.* for Comptroller General of the Exchequer;

3,700*l.* for Messengers at the Treasury and Exchequer;

2,006*l.* for certain Professors at *Oxford* and *Cambridge*;

2,000,000*l.* for Supplies of 1834, &c.;

12,000*l.* for Insolvent Debtors Court;

1,461*l.* for Superintendance of Aliens;

17,000*l.* for the Penitentiary at *Milbank*;

4,094*l.* for Expences of State Paper Office, &c.;

5,150*l.* for Commissioners of Municipal Corporations;

10,200*l.* for Commissioners of Criminal Law;

2,700*l.* for Commissioners of County Rates;

42,841*l.* for Commissioners of Poor Laws;

14,000*l.* for Commissioners for preventing the Slave Trade, &c. ;

95,966*l.* for Salaries of Consuls, &c. ;

6,112*l.* for Salaries of Factory Inspectors, under 3&4 W.4. c. 103. ;

66,218*l.* for Retired Allowance to Public Officers ;

11,500*l.* for Relief to *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers, and *St. Domingo* Sufferers, &c. ;

1,850*l.* Vaccine Establishment ;

3,000*l.* Refuge for Destitute ;

2,590*l.* for Criminal Lunatics ;

4,800*l.* for Dissenting Ministers, poor *French* Refugee Clergy, &c. ;

36,800*l.* for Secret Services ;

One thousand eight hundred and thirty-five, the Charge of the Salaries and Expences of the Commissioners for the Amendment and better Administration of the Laws relating to the Poor in *England* and *Wales* ; and any Sum or Sums of Money not exceeding Fourteen thousand Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, the Salaries and incidental Expences of the Commissioners appointed on the Part of His Majesty under the Treaties with Foreign Powers for preventing the illegal Traffic in Slaves ; and any Sum or Sums of Money not exceeding Ninety-five thousand nine hundred and sixty-six Pounds, to pay the Salaries of His Majesty's Consuls General, Consuls, and Vice Consuls, and of the Superintendents of Trade at *Canton*, and also of the contingent Expences connected with the Public Duties of such Consuls General, Consuls, Vice Consuls, and Superintendents of Trade, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Six thousand one hundred and twelve Pounds, to defray the Charge of the Salaries of the Inspectors and Superintendents of Factories, appointed under the Act to regulate the Labour of Children and young Persons in the Mills and Factories of the United Kingdom, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Sixty-six thousand two hundred and eighteen Pounds, to defray the Charge of Retired Allowances or Superannuations to Persons formerly employed in the Public Offices or Departments or in the Public Service, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Eleven thousand five hundred Pounds, to enable His Majesty to grant Relief, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, to *Toulonese* and *Corsican* Emigrants, *Dutch* Naval Officers, *Saint Domingo* Sufferers, *American* Loyalists, and others, who have heretofore received Allowances from His Majesty, and who, for Services performed or Losses sustained in the *British* Service, have special Claims on His Majesty's Justice and Liberality ; and any Sum or Sums of Money not exceeding One thousand eight hundred and fifty Pounds, to defray the Expence of the National Vaccine Establishment for the Year One thousand eight hundred and thirty-five ; and any Sum or Sums of Money not exceeding Three thousand Pounds, for the Support of the Institution called the Refuge for the Destitute, for the Year One thousand eight hundred and thirty-five ; and any Sum or Sums of Money not exceeding Two thousand five hundred and ninety Pounds, to defray the Charge of confining and maintaining Criminal Lunatics, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Four thousand eight hundred Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, the usual Allowances to Protestant Dissenting Ministers in *England*, poor *French* Refugee Clergy, poor *French* Refugee Laity, and sundry other small charitable and other Allowances to the Poor of *Saint Martins-in-the-Fields* and others ; and any Sum or Sums of Money not exceeding Thirty-six thousand eight hundred Pounds, to defray the Charge of His Majesty's Foreign and other Secret Services,

Services, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding One hundred ninety-one thousand seven hundred and fifty-six Pounds, to defray the Expence of providing Stationery, Printing, and Binding for the several Public Departments in *England, Ireland, Scotland*, and the Colonies, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, and for providing Paper for the Printing which may be ordered in the Session One thousand eight hundred and thirty-six for the Two Houses of Parliament; and any Sum or Sums of Money not exceeding Three thousand Pounds, to defray the Expence of the Mint in the Coinage of Gold, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Eight thousand Pounds, to defray the Expences incurred in the Prosecution of Offences against the Laws relating to Coin, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Eight thousand Pounds, to defray the Expence of Law Charges, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Sixty-four thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, the Expence of confining, maintaining, and employing Convicts at Home and at *Bermuda*, and in providing Clothing for Convicts who may probably be transported to *New South Wales* and *Van Diemen's Land*; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, the Expences for the Support of captured Negroes and liberated *Africans* under the Acts for the Abolition of the Slave Trade; and any Sum or Sums of Money not exceeding One hundred forty-seven thousand three hundred and six Pounds, to defray the Expence of maintaining Convicts at *New South Wales* and *Van Diemen's Land*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Expences incurred under the Direction of the Commissioners of Records, to the Thirty-first Day of *August* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to pay the annual Compensation awarded to Sir *Abraham Bradley King*, late King's Stationer in *Ireland*, for Losses sustained by him by reason of the Revocation of his Patent; and any Sum or Sums of Money not exceeding Four thousand Pounds, to pay, in the Year One thousand eight hundred and thirty-five, the Fees due and payable to Officers of the Parliament on all Bills for continuing or amending any Acts for making or maintaining, keeping in repair, or improving Turnpike Roads, which shall pass the Two Houses of Parliament, and receive the Royal Assent; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to enable His Majesty to issue Money for the Erection of School-houses in aid of private Subscriptions for that Purpose, for the Education of the Children of the poorer Classes in *England*, in the Year ending the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding One thousand Pounds, to enable the Geographical Society

191,756*l.* for Stationery, &c. for Public Departments, and for Paper for Printing for Parliament;

3,000*l.* for the Mint;

8,000*l.* for Prosecutions relating to the Coin;

8,000*l.* for Law Charges;

64,000*l.* for maintaining Convicts at Home and in *Bermuda*, &c.;

20,000*l.* for Support of captured Negroes;

147,306*l.* for Convicts at *New South Wales*, &c.;

10,000*l.* for Commissioners of Public Records;

2,500*l.* to Sir *A. B. King*;

4,000*l.* for Fees for Turnpike Acts;

20,000*l.* for Erection of School-houses in *England*;

1,000*l.* for Geographical Society;



34,511*l.* for Canal Communications in *Canada* ;

16,167*l.* for Governors, &c. in *W. I.* Colonies ;

60,750*l.* for Special Justices under 3 & 4 *W. 4. c. 73.* in the *British* Colonies ;

1,666*l.* for Agents for Emigration at Ports in *U. K.* ;

58,000*l.* for Law Expences &c. in *Scotland* ;

34,100*l.* for the Two Houses of Parliament, &c. ;

7,000*l.* for a Service of Plate for Speaker of *H. C.* ;

4,875*l.* for Commissioners for inquiring into Charities ;

6,000*l.* for Commissioners of Excise Inquiry ;

3,200*l.* for Maintenance, &c. of Criminal Lunatics ;

110,000*l.* for County Rates ;

113,000*l.* for Losses by Act of the *Danish* Government ;

to prosecute Two Expeditions of Discovery, one into the Interior of *South Africa* from *Delagoa Bay* on its East Coast, the other into the Interior of *America* behind *British Guinea* ; and any Sum or Sums of Money not exceeding Thirty-four thousand five hundred and eleven Pounds, on account of the Canal Communications in *Canada*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Sixteen thousand one hundred and sixty-seven Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, the Charges of the Salaries of Governors, Lieutenant Governors, and others, in His Majesty's *West India* Colonies ; and any Sum or Sums of Money not exceeding Sixty thousand seven hundred and fifty Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, the Charge of Salaries and Allowances to the Special Justices appointed in pursuance of an Act of the Third and Fourth Years of His present Majesty, for the Abolition of Slavery throughout the *British* Colonies, for promoting the Industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the Services of such Slaves ; and any Sum or Sums of Money not exceeding One thousand six hundred and sixty-six Pounds, to defray the Salaries of Eight Agents for Emigration at Ports in the United Kingdom, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Fifty-eight thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, Law Expences, Grants to *Scotch* Universities, and other Charges in *Scotland* formerly defrayed from the Hereditary Revenues, and not provided for in His Majesty's Civil List nor out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* ; and any Sum or Sums of Money not exceeding Thirty-four thousand one hundred Pounds, on account of the Two Houses of Parliament, and other Public Buildings, in the Year One thousand eight hundred and thirty-five ; and any Sum or Sums of Money not exceeding Seven thousand Pounds, to provide a Service of Plate for the Speaker of the House of Commons, together with an Allowance for Outfit ; and any Sum or Sums of Money not exceeding Four thousand eight hundred and seventy-five Pounds, for the Salaries of the Commissioners for inquiring into Charities, for Half a Year, from the Thirty-first Day of *March* to the Thirtieth Day of *September* One thousand eight hundred and thirty-four ; and any Sum or Sums of Money not exceeding Six thousand Pounds, to make Compensation to the Commissioners appointed to inquire into the Management and Collection of the Revenue of Excise, for their Assiduity, Care, and Pains in the Execution of the Trust reposed in them ; and any Sum or Sums of Money not exceeding Three thousand two hundred Pounds, to provide for the Care, Maintenance, and Clothing of Criminal Lunatics, in the Year One thousand eight hundred and thirty-five ; and any Sum or Sums of Money not exceeding One hundred and ten thousand Pounds, to defray, in the Year One thousand eight hundred and thirty-five, certain Charges hitherto paid out of the County Rates ; and any Sum or Sums of Money not exceeding One hundred and thirteen thousand Pounds, to pay Compensation to Individuals, Subjects of His Majesty,

Majesty, for Losses sustained by the Confiscation of Book Debts due to them by *Danish* Subjects by the Act of the *Danish* Government in the Year One thousand eight hundred and seven; and any Sum or Sums of Money not exceeding Sixty-eight thousand and thirty-one Pounds Thirteen Shillings and Ten-pence, to enable His Majesty to make Compensation to Individuals for Losses sustained by the Fire which destroyed the Custom House Warehouses in the *Dublin* Docks in *August* One thousand eight hundred and thirty-three; and any Sum or Sums of Money not exceeding Six thousand Pounds, to defray the Charge of certain *Egyptian* Antiquities for the *British Museum*; and any Sum or Sums of Money not exceeding Twenty-two thousand five hundred Pounds, to pay, in the Year One thousand eight hundred and thirty-five, the Allowances and Expences of the Barristers employed in revising Lists of Voters under the Act for amending the Representation of the People in *England* and *Wales*; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to grant Relief to the distressed *Poles* now in this Country; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to enable His Majesty to issue Money for the Erection of Model Schools, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to enable His Majesty to defray such Expences as he may incur in aiding the local Legislatures in providing for the Religious and Moral Instruction of the emancipated Negro Population, in the Year One thousand eight hundred and thirty-five; and any Sum or Sums of Money not exceeding Eight thousand two hundred and fifty Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six, the Charge of the Salaries and Allowances to the Special Justices appointed in pursuance of an Act of the Third and Fourth Years of His present Majesty's Reign, for the Abolition of Slavery throughout the *British Colonies*.

68,031l. 13s.  
10d. for Losses  
by Fire, Custom  
House, *Dublin*;

6,000l. for  
*Egyptian*  
Antiquities;  
22,500l. for  
Revising Bar-  
risters under  
2 W. 4. c. 45;

10,000l. for  
distressed *Poles*;

10,000l. for  
Model Schools;

25,000l. for  
educating the  
Negro Popula-  
tion;

8,250l. for  
Salaries of  
Special Justices  
in the *British*  
Colonies;

9,000l. for  
Foundling Hos-  
pital, *Dublin*;

20,000l. for the  
House of In-  
dustry, &c;

200l. for the  
*Hibernian*  
Marine Society;

1,000l. Female  
Orphan House;

2,500l. for the  
*Westmoreland*  
Lock Hospital;

1,000l. for Ly-  
ing-in Hos-  
pitals;

XVIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Nine thousand Pounds, to defray the Expence of the Foundling Hospital in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray the Expence of the House of Industry in *Dublin*, the Lunatic Department, and the Four General Hospitals attached, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Two hundred Pounds, to defray the Charge of the *Hibernian* Marine Society in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding One thousand Pounds, to defray the Expence of the Female Orphan House, *Circular Road, Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to defray the Expence of the *Westmoreland* Lock Hospital, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six; and any Sum or Sums of Money not exceeding One thousand Pounds, to defray the Expence of the Lying-in Hospital, to the  
Thirty-

1,500*l.* for Dr. *Stevens* Hospital ;

3,800*l.* for the Fever Hospital, &c. ;

500*l.* Hospital for Incurables ;

5,300*l.* Royal *Dublin* Society ;

300*l.* for the Royal *Irish* Academy ;

300*l.* for the Royal *Hibernian* Academy ;

1,500*l.* for Royal *Belfast* Institution ;

35,000*l.* for Education in *Ireland* ;

8,928*l.* for Roman Catholic College in *Ireland*.

There shall be applied 700*l.* for Board of charitable Bequests ;

12,300*l.* for the Board of Works ;

22,423*l.* for Secretaries to Lord Lieutenant, &c. of *Ireland* ;

12,696*l.* for Salaries, &c. heretofore paid out of the Civil List ;

Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray the Expence of Doctor *Stevens* Hospital, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Three thousand eight hundred Pounds, to defray the Expence of the Fever Hospital and House of Recovery, *Cork Street, Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty six ; and any Sum or Sums of Money not exceeding Five hundred Pounds, to defray the Expence of the Hospital for Incurables, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Five thousand three hundred Pounds, to defray the Salaries and Expences of the Royal *Dublin* Society, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Three hundred Pounds, to defray the Expence of the Royal *Irish* Academy, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Three hundred Pounds, to defray the Expence of the Royal *Hibernian* Academy, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray the Expence of the Royal *Belfast* Academical Institution, to the Thirty-first Day of *March* One thousand eight hundred and thirty six ; and any Sum or Sums of Money not exceeding Thirty-five thousand Pounds, to enable the Lord Lieutenant of *Ireland* to issue Money for the Advancement of Education in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Eight thousand nine hundred and twenty-eight Pounds, to defray the Charge of the Roman Catholic College in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six.

XIX. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven hundred Pounds, to defray the Salaries and Expences of the Commissioners of Charitable Donations and Bequests in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Twelve thousand three hundred Pounds, to defray, in the Year One thousand eight hundred and thirty-five, the Expence of repairing and maintaining the several Public Works, Grounds, and Buildings in the Department of the Commissioners of Public Works in *Ireland* ; and any Sum or Sums of Money not exceeding Twenty-two thousand four hundred and twenty-three Pounds, to defray the Salaries and Expences of the Offices of Chief Secretary to the Lord Lieutenant of *Ireland* in *Dublin* and *London*, and His Majesty's Privy Council Office in *Ireland*, and the Amount of His Majesty's Printer's Bill for Printing for the Public Offices in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Twelve thousand six hundred and ninety-six Pounds, to defray the Charge of the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of *Ireland*, and certain other Officers and Services formerly charged on the Civil List

List in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Six thousand eight hundred and ninety-seven Pounds, to defray the Charge of the Establishments of the Vice Treasurer and Teller of the Exchequer in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Four thousand one hundred Pounds, to defray the Expence of publishing Proclamations in the *Dublin Gazette*, and Proclamations for Circulation, and for printing the Statutes, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Twenty-five thousand four hundred Pounds, to defray the Expence of Non-conforming, Seceding, and Protestant Dissenting Ministers in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Forty-five thousand Pounds, to defray the Charge of Criminal Prosecutions and other Law Charges in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Sixteen thousand Pounds, in aid of the Funds for the Maintenance of the Police Department of *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Three thousand three hundred and fifty-eight Pounds, to defray the Expence of Public Works in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six ; and any Sum or Sums of Money not exceeding Seven thousand Pounds, to defray the Expence of the Townland Survey of *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and thirty-six.

6,897*l.* for the Vice Treasurer and Teller of the Exchequer ;

4,100*l.* for printing Proclamations and Statutes ;

25,400*l.* for Dissenting Ministers ;

45,000*l.* for Criminal Prosecutions ;

16,000*l.* for the Police of *Dublin* ;

3,358*l.* for Public Works ;

7,000*l.* for Townland Survey of *Ireland*.

Supplies to be applied only for the Purposes aforesaid.

XX. And it is hereby also enacted, That the said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever other than the Uses, Intents, and Purposes before mentioned, or for the other Payments directed to be satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts of this Session of Parliament.

XXI. And as to the Sum of Five hundred eighty-five thousand five hundred Pounds by this Act appropriated on account of Half Pay as aforesaid, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay ; (that is to say,) that no Person shall have or receive any Part of the same without taking an Oath to such Purport and Effect as shall be required in that Behalf by His Majesty's Warrants directing the Issue of the Half Pay to be received ; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced ; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in His Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve ; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since ; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment,

except

Rules to be observed in the Application of the Sum appropriated to Half Pay.

except to such Person as would have been otherwise entitled thereto as a Reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under His Majesty, or in His Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison; and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with His Majesty's Approbation, to be signified by the Secretary at War to the Paymaster General of His Majesty's Land Forces; and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Oath or Affidavit the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay, or as herein-after mentioned, nor in any such excepted Cases unless His Majesty's special Approbation be signified as aforesaid; and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Oath or Affidavit the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General of the Land Forces, with His Majesty's Approbation, signified by the Secretary at War as aforesaid, to issue, on or after the Twenty-fourth Day of *December* One thousand eight hundred and thirty-five, so much of the Half-Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay; and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Oath or Affidavit the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary at War; but no Person who after the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight has been appointed to any Civil Place or Employment of Profit (except in His Majesty's Household) under His Majesty, or in the Colonies or Possessions of His Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit, except as aforesaid, under His Majesty beyond the Seas, or under any other

Government, other than that of a Barrack Master under the Master General and Board of Ordnance, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any other Act or Acts relating to the General or Local Militia, or the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private, serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers in *Great Britain* or *Ireland*, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon taking such Oath (if any) as shall be required in or by any Act or Acts, or specified in any Warrant of His Majesty, as the Case may be, and stating in such Oath the Commission or Employment which he held in the General or Local Militia, the Yeomanry, or Volunteers.

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

XXII. Provided always, That from and after the First Day of *January* One thousand eight hundred and thirty-six it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officer appointed to Civil Office or Employment under His Majesty, or under any other Government since the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, if His Majesty's Pleasure to that Effect be signified by the Commissioners of His Majesty's Treasury, or any Three of them, through the Secretary at War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year, on or before the First Day of *April*, if Parliament shall be then sitting, or if Parliament shall not then be sitting on the First Day of Parliament sitting after the First Day of *April*, of the Number of Officers who are allowed to receive their Half Pay with Civil Employments, specifying the Names of such Officers, with the respective Amount of their Half Pay and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament.

XXIII. Provided always, and be it further enacted, That it shall be lawful for the Commissioners of the Treasury, or any Three or more of them, for the Time being, to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere, in Civil Situations of Responsibility, with small Emolument, will be conducive to Economy, and thereby beneficial to the Public Service; and in every such Case the Officer so authorized to receive Half Pay with the Salary or Emoluments of any Civil Employment shall signify the same in his Oath or Affidavit, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXIV. ' And whereas a considerable Part of the Money appropriated on account of Half Pay by an Act passed in the Fourth and Fifth Years of the Reign of His present Majesty, intituled ' *An Act to apply a Sum of Money out of the Consolidated Fund* ' and the Surplus of Grants to the Service of the Year One thousand eight hundred and thirty-four, and to appropriate the Supplies granted

4 & 5W. 4. c. 84.

Persons concerned in issuing, paying, and receiving Money for the Payment of Half Pay, without the Oaths having been taken as required, indemnified.

‘ granted in this Session of Parliament, has been issued without requiring, by Persons issuing or paying, and without the taking by the Persons receiving Half Pay; the Oaths prescribed to be taken by Officers claiming Half Pay; and Part of the said Monies has been paid to Officers claiming and entitled to Half Pay who at the same Time held and may still hold the Situation of and serve respectively as Surgeons, Serjeant Majors, Serjeants, Corporals, or Privates in the General or Local Militia, or Yeomanry or Volunteer Corps, in *Great Britain or Ireland*; and it is expedient that all such Persons should be indemnified:’ Be it therefore enacted, That all Persons concerned in the advising, authorizing, or directing the issuing, or in the issuing of any Half Pay, or any Monies for Half Pay, or in the Application of any Money appropriated by the said Act for that Purpose, or in the receiving or being concerned in the receiving any Portion of the Money so appropriated for such Half Pay, without requiring or taking the said Oaths, or to or on account of any such Officers or Persons as aforesaid, shall be and are hereby fully indemnified, and shall be and are hereby fully exonerated and discharged from all Penalties, Forfeitures, Prosecutions, or Proceedings, in respect of any thing done in relation thereto, in all Cases in which such Half Pay, or Payment for or in respect of Half Pay, shall have been or may hereafter be issued or received in conformity with the Provisions of the said recited Act or this Act, and the Usages heretofore established and observed in relation to the issuing, paying, and receiving of Half Pay in all other respects, except so far as relates to the demanding, requiring, or taking the said Oaths; and all such Payments and Issues of Half Pay which shall have been or may be issued to any such Person as aforesaid shall be deemed valid and effectual Payments, and the Paymaster General, and all other Persons concerned in the issuing and paying the same, shall be and are hereby fully discharged and exonerated in respect thereof in all Accounts relating to such Issues and Payments; any thing contained in any Act or Acts, or any Law, Rules, or Regulations, relating to the issuing and paying of Half Pay, to the contrary notwithstanding.

Half Pay allowed to the Officers of the *Manx Fencibles*

XXV. ‘ And whereas the Officers of the Royal Regiment of *Manx Fencibles* engaged to serve in the said Corps upon a Stipulation contained in the Letter of Service under which they were raised, that they should be allowed to receive any Half Pay to which they might be entitled, notwithstanding their holding Subaltern Commissions in the said Corps; but no Provision has been made by Parliament for Payment of such Half Pay; and it is therefore expedient that Provision should be now made for the Payment of the Arrears of Half Pay to such Officers as aforesaid: Be it therefore enacted, That Officers who were entitled to Half Pay, and who accepted or held Subaltern Commissions in the Royal Regiment of *Manx Fencibles*, shall, notwithstanding their having held the Full Pay of such Commissions, be entitled to receive the Arrears of such Half Pay for any Year or Time in which they shall not have been allowed to receive the same, upon taking the Oath before the Officer usually administering Oaths to Persons for the Purpose of receiving Half Pay, that they had not, in any Year or Time for which such Arrear is claimed, any Office or Employment of Profit, Civil or Military, under His Majesty, besides their Allowance

ance of Half Pay, save and except their Pay as such Subaltern Officers of the Royal Regiment of *Manx* Fencibles; and the taking the Oath shall, without taking any other Oath, be sufficient to entitle such Officer to receive his Half Pay.

XXVI. ' And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years, in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown; and that they should also be entitled to receive the Arrears of Half Pay for such former Years as aforesaid: Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or have been unable to receive such Half Pay in any Year, in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making Affidavit before the proper Officer for administering Oaths to Persons for entitling them to receive Half Pay, that they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under His Majesty; and the taking the said Oath shall, without taking any other Oath, be sufficient to entitle such Chaplain to receive his Half Pay.

Half Pay Allowances to Chaplains of Regiments not being in possession of Ecclesiastical Benefices derived from the Crown.

XXVII. ' And whereas by the said recited Act passed in the Fourth and Fifth Years of the Reign of His present Majesty the several Supplies which had been granted to His Majesty as therein mentioned were appropriated to the several Uses and Purposes therein expressed, amongst which any Sum or Sums of Money not exceeding Six hundred and seven thousand Pounds in the whole was appropriated to be paid on account of Half Pay for the Year One thousand eight hundred and thirty-four, subject nevertheless to such Rules to be observed in the Application of the said Half Pay as in and by the aforesaid Act were prescribed in that Behalf: Now it is hereby provided, enacted, and declared, That so much of the said Sum of Six hundred and seven thousand Pounds as is or shall be more than sufficient to satisfy the said Reduced Officers, according to the Rules to be observed in the Application thereof, or any Part of such Overplus, shall and may be disposed of to such Officers who are maimed or have lost their Limbs in the late War, or such others as, by reason of their long Service, or otherwise, His Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers, according to such Warrant or Warrants, under His Majesty's Royal Sign Manual, as shall be signed in that Behalf; any thing in this Act or in the said Act to the contrary notwithstanding.

By 4 & 5 W. 4. c. 84. a Sum was appropriated to be paid to Half Pay Officers, the Surplus of which is hereby authorized to be disposed of as His Majesty shall direct.

XXVIII. And as to the Sum of One hundred forty-eight thousand nine hundred and twenty-nine Pounds by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of His Majesty's Land Forces as aforesaid, and as to the Sum of One hundred and fifty-nine thousand Pounds by this Act appropriated for defraying the Charge of Allowances on the Com-

Widows and Persons claiming Pensions or Allowances shall take the required Oath.



passionate List, of Allowances as of His Majesty's Royal Bounty, and of Pensions to Officers for Wounds, as aforesaid; it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of His Majesty's Royal Bounty, shall have or receive any Part of the same without taking an Oath to such Purport and Effect as shall be required in that Behalf by His Majesty's Warrant directing the Issue of such Pensions and Allowances to be received, such Oath to be taken before any Justice or Justices of the Peace, or other Person duly authorized to administer an Oath, or before the Cashier of Widows Pensions, or the First Assistant Examiner of the same, for the Time being, in the Office of the Paymaster General of His Majesty's Land Forces, who are hereby authorized to administer the same.

### CAP. LXXXI.

An Act for abolishing Capital Punishments in Cases of Letter Stealing and Sacrilege.

[10th September 1835.]

36 G. 3. (I.)      32 G. 3. c. 143.

‘ **W**HEREAS by an Act made and passed in the Parliament of Ireland in the Thirty-sixth Year of the Reign of His Majesty King George the Third, intituled *An Act to further explain and amend an Act passed in the Twenty-third and Twenty-fourth Years of His present Majesty's Reign, intituled ‘ An Act for establishing a Post Office within this Kingdom,’* and to explain and amend an Act passed in the Twenty-eighth Year of His present Majesty's Reign, intituled *‘ An Act to explain and amend an Act passed in the Twenty-third and Twenty-fourth Years of His present Majesty's Reign, intituled “ An Act for establishing a Post Office within this Kingdom,”*” and by an Act made and passed in the Fifty-second Year of the Reign of His said Majesty King George the Third, intituled *An Act for amending and reducing into One Act the Provisions contained in any Laws now in force imposing the Penalty of Death for any Act done in Breach of or in Resistance to any Part of the Laws for collecting His Majesty's Revenue in Great Britain,* it is amongst other Things enacted, that if any Person whatsoever employed by or under the Post Office of *Great Britain,* receiving, stamping, sorting, charging, carrying, conveying, or delivering Letters or Packets, or in any other Business relating to the said Office, shall secrete, embezzle, or destroy any Letter or Packet, or Bag or Mail of Letters, with which he or she shall have been entrusted in consequence of such Employment, or which shall in any other Manner have come to his or her Hands or Possession whilst so employed, containing the Whole or any Part or Parts of any Bank Note, Bank Post Bill, Bill of Exchange, Exchequer Bill, *South Sea or East India* Bond, Dividend Warrant, either of the Bank, *South Sea, East India,* or any other Company, Society, or Corporation, Navy or Victualling or Transport Bill, Ordnance Debenture, Seaman's Ticket, State Lottery Ticket or Certificate, Bank Receipt for Payment on any Loan, Note of Assignment of Stock in the Funds, Letter of Attorney for receiving Annuities or Dividends or for selling Stock in the Funds or belonging to any Company,

' Company, Society, or Corporation, *American* Provincial Bill of  
 ' Credit, Goldsmith's or Banker's Letter of Credit or Note for or  
 ' relating to the Payment of Money, or other Bond or Warrant,  
 ' Draft, Bill, or Promissory Note whatsoever for the Payment of  
 ' Money, or shall steal and take out of any Letter or Packet with  
 ' which he or she shall have been so entrusted, or which shall have  
 ' come to his or her Hands or Possession, the Whole or any Part or  
 ' Parts of any such Bank Note, Bank Post Bill, Bill of Exchange,  
 ' Exchequer Bill, *South Sea* or *East India* Bond, Dividend War-  
 ' rant, either of the Bank, *South Sea*, *East India*, or other Company,  
 ' Society, or Corporation, Naval or Victualling or Transport Bill,  
 ' Ordnance Debenture, Seaman's Ticket, State Lottery Ticket or  
 ' Certificate, Bank Receipt for Payment of any Loan, Note of As-  
 ' signment of Stock in the Funds, Letter of Attorney for receiving  
 ' Annuities or Dividends or for selling Stocks in the Funds belong-  
 ' ing to any Company, Society, or Corporation, *American* Pro-  
 ' vincial Bill of Credit, Goldsmith's or Banker's Letter of Credit  
 ' or Note for or relating to the Payment of Money, or other Bond  
 ' or Warrant, Draft, Bill, or Promissory Note whatsoever for the  
 ' Payment of Money, every Person so offending, being thereof con-  
 ' victed, shall be adjudged guilty of Felony, and shall suffer Death  
 ' as a Felon, without Benefit of Clergy: And whereas in and by the  
 ' said recited Act it is further enacted, that if any Person shall steal  
 ' and take from any Carriage, or from the Possession of any Person  
 ' employed to convey Letters sent by the Post of *Great Britain*, or  
 ' from or out of any Post Office, or House or Place for the Receipt  
 ' or Delivery of Letters or Packets, or Bags or Mails of Letters  
 ' sent or to be sent by such Post, any Letter or Packet, or Bag or  
 ' Mail of Letters sent or to be sent by such Post, or shall steal and  
 ' take any Letter or Packet out of any such Bag or Mail, every  
 ' Person so offending, and being thereof convicted, shall be adjudged  
 ' guilty of Felony, and shall suffer Death as a Felon, without Be-  
 ' nefit of Clergy: And whereas in and by the said recited Act it is  
 ' further enacted, that if any Person shall counsel, command, hire,  
 ' persuade, procure, aid, or abet any such Deputy, Clerk, Agent,  
 ' Letter Carrier, Post Boy or Rider, or any Officer or Person what-  
 ' soever employed by or under the said Office, in receiving, stamping,  
 ' sorting, charging, carrying, conveying, or delivering Letters or  
 ' Packets, or in any other Business relating to the said Office, to  
 ' commit any of the Offences in the said recited Act and herein-  
 ' before mentioned, or shall, with a fraudulent Intention, buy or  
 ' receive the Whole or any Part or Parts of any such Security or  
 ' Instrument as in the said recited Act and herein-before described,  
 ' which shall have been contained in, and which at the Time of buy-  
 ' ing or receiving thereof he or she shall know to have been contained  
 ' in, any such Letter or Packet so secreted, embezzled, stolen, or  
 ' taken by any Deputy, Clerk, Agent, Letter Carrier, Post Boy,  
 ' or Rider, or any other Officer or Person so employed as aforesaid,  
 ' or which such Person so buying or receiving as aforesaid shall at  
 ' the Time of buying or receiving thereof know to have been con-  
 ' tained in and stolen and taken out of any Letter or Packet stolen  
 ' and taken from or out of any Mail or Bag of Letters sent and  
 ' conveyed by such Post, or from or out of any Post Office, or House  
 ' or Place for the Receipt or Delivery of Letters or Packets, or

‘ Bags or Mails of Letters sent or to be sent by such Post, every  
 ‘ Person so offending, and being thereof convicted, shall be adjudged  
 ‘ guilty of Felony, and suffer Death as a Felon, without Benefit of  
 ‘ Clergy, and should and might be tried, convicted, and attainted  
 ‘ of such Felony as well before as after the Trial or Conviction of  
 ‘ the principal Felon, and whether the said principal Felon should  
 ‘ have been apprehended, or should be amenable to Justice, or not :  
 ‘ And whereas by an Act passed in the Seventh and Eighth Years  
 7 & 8 G. 4. c. 29. ‘ of the Reign of King *George* the Fourth, intituled *An Act for*  
 ‘ *consolidating and amending the Laws in England relative to Lar-*  
 ‘ *ceny and other Offences connected therewith*, and by another Act  
 ‘ made and passed in the Ninth Year of His said Majesty’s Reign,  
 9 G. 4. c. 55. ‘ intituled *An Act for consolidating and amending the Laws in Ire-*  
 ‘ *land relative to Larceny and other Offences connected therewith*, it  
 ‘ is amongst other Things enacted, that if any Person shall break  
 ‘ and enter any Church or Chapel, and steal therein any Chattel,  
 ‘ or having stolen any Chattel in any Church or Chapel shall break  
 ‘ out of the same, every such Offender, being convicted thereof, shall  
 ‘ suffer Death as a Felon : And whereas it is expedient that a lesser  
 ‘ Punishment than that of Death should be provided for the Punish-  
 ‘ ment of the Offenders convicted of any of the Offences so specified  
 ‘ in the said Act of the Fifty-second Year of the Reign of His late  
 ‘ Majesty King *George* the Third, and in the said Act of the Seventh  
 ‘ and Eighth Years of the Reign of King *George* the Fourth :’ Be  
 it therefore enacted by the King’s most Excellent Majesty, by and  
 with the Advice and Consent of the Lords Spiritual and Temporal,  
 and Commons, in this present Parliament assembled, and by the  
 Authority of the same, That so much of each of the said Acts as  
 inflicts the Punishment of Death upon Persons convicted of any of  
 the Offences therein and herein before specified shall be and the same  
 is hereby repealed, and that from and after the passing of this Act  
 every Person convicted of any of the Offences in the said Act so spe-  
 cified, or of aiding or abetting, counselling or procuring the Com-  
 mission thereof, shall be liable to be transported beyond the Seas for  
 Life, or for any Term not less than Seven Years, or to be impris-  
 oned, with or without hard Labour, in the Common Gaol or House  
 of Correction for any Term not exceeding Four Years.

So much of the  
 recited Acts as  
 inflicts the  
 Punishment of  
 Death for  
 Letter Stealing  
 and Sacrilege  
 repealed, and  
 Transportation  
 substituted.

## CAP. LXXXII.

An Act to abolish certain Offices connected with Fines  
 and Recoveries and the Cursitors in the Court of Chan-  
 cery, and to make Provision for the Abolition of certain  
 Offices in the Superior Courts of Common Law in *Eng-*  
*land*. [10th September 1835.]

3 & 4 W. 4. c. 74. ‘ **W**HEREAS by an Act passed in the Third and Fourth Years  
 ‘ of the Reign of His present Majesty, intituled *An Act for*  
 ‘ *the Abolition of Fines and Recoveries, and for the Substitution of*  
 ‘ *more simple Modes of Assurance*, it is enacted, that after the Thirty-  
 ‘ first Day of *December* One thousand eight hundred and thirty-three  
 ‘ no Fine shall be levied or Common Recovery suffered of Lands of  
 ‘ any Tenure, and that every Fine or Common Recovery levied or  
 ‘ suffered contrary to the Provision of that Act shall be absolutely

‘ void, save and except in Cases where a Writ of Dedimus or other  
 ‘ Writ in the regular Proceedings of such Fine or Recovery shall  
 ‘ have been sued out on or before the said Thirty-first Day of *De-*  
 ‘ *cember* One thousand eight hundred and thirty-three: And whereas  
 ‘ by the Operation of the said Act the Business of certain Offices in  
 ‘ the Court of Common Pleas and of the Alienation Office has  
 ‘ almost wholly ceased; and it is expedient that the said Offices  
 ‘ should be abolished, and the few Duties remaining to be per-  
 ‘ formed transferred to some other Officer:’ Be it therefore enacted  
 by the King’s most Excellent Majesty, by and with the Advice and  
 Consent of the Lords Spiritual and Temporal, and Commons, in  
 this present Parliament assembled, and by the Authority of the same,  
 That from and after the Thirty-first Day of *December* One thousand  
 eight hundred and thirty-five the several Offices in His Majesty’s  
 Court of Common Pleas hereafter mentioned, namely, of the Chi-  
 rographer, and the Secondary Register and Clerks of Counties in the  
 Office of the Chirographer, of the Clerk of the King’s Silver, and  
 of the Clerk of the Return Office and of the Inrolment of Writs  
 for Fines and Recoveries, and also the several Offices in the Aliena-  
 tion Office, consisting of Two Commissioners, a Receiver General,  
 Two Entering Clerks, a Master in Chancery appointed for taking  
 Affidavits, and an Office Keeper, shall be and the same are hereby  
 abolished.

Certain Offices  
abolished.

II. And be it further enacted, That the several Records, Books,  
 and other Documents of and concerning the Duties and Business  
 of the said Offices so abolished as aforesaid shall on or before the  
 said Thirty-first Day of *December* be delivered by the several Officers  
 or Persons now having Custody of the same into the Hands and  
 Possession of the Officer of the Court of Common Pleas at *Westmin-*  
*ster* for the Time being appointed or to be appointed by the Lord  
 Chief Justice of the Court of Common Pleas, for the Purpose of exa-  
 mining, filing, and recording all Certificates of the taking of Acknow-  
 ledgments by Married Women of Deeds under the Provisions of  
 the said in part recited Act, to be by him kept and preserved; subject  
 nevertheless to such Rules, Orders, and Regulations as the Court of  
 Common Pleas shall or may from Time to Time make or ordain in  
 respect of the same.

Records, &c.  
transferred to  
the Registrar in  
London under  
3 & 4 W. 4. c. 74.  
subject to  
Orders of the  
Court of Com-  
mon Pleas.

III. And be it further enacted, That from and after the said  
 Thirty-first Day of *December*, in all such Cases where Parties intend-  
 ing to levy a Fine or suffer a Common Recovery shall on or before  
 the Thirty-first Day of *December* One thousand eight hundred and  
 thirty-three have sued out a Writ of Dedimus or any other Writ  
 in the regular Proceedings of such Fine or Recovery, the Proceed-  
 ings, Matters, and Things usually done, performed, filed, or recorded  
 by the Officers whose Offices are hereby abolished, or any of them,  
 which are by Law required or needful to be done, performed, filed,  
 or recorded in respect of every such Fine or Recovery, shall be done,  
 performed, filed, or recorded by the said Officer of the Court of Com-  
 mon Pleas for the Time being appointed or to be appointed for  
 examining, filing, and recording the before-mentioned Certificates;  
 and the Proceedings, Matters, and Things in all such Fines and  
 Recoveries so done, performed, filed, or recorded by the said Officer  
 of the Court of Common Pleas shall from and after the Thirty-first  
 Day of *December* One thousand eight hundred and thirty-five be as

Business of  
abolished Offices  
transferred to  
the Registrar  
under 3 & 4  
W. 4. c. 74.

full and effectual to all Intents and Purposes in Law and Equity as if the said Proceedings, Matters, and Things had been done, performed, filed, and recorded by the Officers whose Offices are hereby abolished; any Law, Custom, or Usage to the contrary notwithstanding: Provided always, that the said Officer of the Court of Common Pleas for the Time being in the Performance and Execution of the Duties and Business hereby transferred to him shall be subject to all the Enactments and Provisions now in force by virtue of any Statute or Statutes, and to all the Rules, Orders, and Regulations of the Court of Common Pleas now in force or which may hereafter be made relating to all such Fines and Recoveries, where the Writ of Dedimus or other Writ in the regular Proceedings of such Fines and Recoveries shall have been sued out on or before the said Thirty-first Day of *December* One thousand eight hundred and thirty-three.

Searches may be made and Copies taken, which shall be as available as heretofore.

IV. And be it further enacted, That from and after the said Thirty-first Day of *December* One thousand eight hundred and thirty-five Searches may be made, and Copies or Extracts of and from the said Records, Books, and Documents shall and may be had and taken, at such Times and in such Manner as hath been the accustomed Practice in the Offices hereby abolished; and all such Copies or Extracts, signed and authenticated by the said Officer of the Court of Common Pleas for the Time being appointed or to be appointed as aforesaid, shall be as available in Evidence, and as valid and effectual, to all Intents and Purposes, as the same would by Law have been if the same had been signed, authenticated, and given by the Officers whose Offices are hereby abolished, or any of them.

Fines heretofore paid in the Alienation Office to be paid to Registrar under 3 & 4 W. 4. c. 74. and accounted for by him.

V. And be it further enacted, That from and after the said Thirty-first Day of *December* any Fine or Fines usually called Pre Fines and Post Fines, now payable on Alienation of Lands or other Hereditaments to the Receiver General of Alienation Fines, in Cases where the Writ of Dedimus or any other Writ in the regular Proceedings of levying a Fine or suffering a Common Recovery shall have been issued on or before the Thirty-first Day of *December* One thousand eight hundred and thirty-three shall be assessed by and paid to the Officer of the Court of Common Pleas for the Time being appointed or to be appointed as aforesaid, in like Manner as the same is or are now paid and payable to the said Receiver General of Alienation Fines; and the said Officer of the Court of Common Pleas for the Time being is hereby required to keep a true and full Account of every Pre and Post Fine received by him, and to account for such Fines to the Lord High Treasurer or Commissioners of His Majesty's Treasury at such Times and in such Manner as he or they may direct.

Same Fees as heretofore to be received and accounted for, and Treasury to affix Remuneration of Registrar for performing the Duties imposed upon him.

VI. And be it further enacted, That it shall be lawful for such Officer of the Court of Common Pleas for the Time being appointed or to be appointed as aforesaid, from and after the Thirty-first Day of *December*, to demand and receive the same Fees and Emoluments for all Proceedings, Matters, and Things done, performed, filed, or recorded by him as the several Officers whose Offices are hereby abolished have been accustomed to demand and receive; and the said Officer of the Court of Common Pleas for the Time being is hereby required to account for all such Fees and Emoluments received by him to the said Lord High Treasurer or Commissioners of His Majesty's Treasury at such Times and in such Manner as he or they

may direct; and the said Lord High Treasurer or Commissioners of His Majesty's Treasury is and are hereby authorized and empowered to allow such Officer of the Court of Common Pleas for the Time being such Remuneration for the Performance of the Duties imposed upon him by this Act as he or they shall think reasonable and proper.

VII. ' And whereas by the Operation of the said in part recited Act for the Abolition of Fines and Recoveries several Lords of Liberties and other Persons in *England* and *Wales*, who are lawfully entitled to receive certain Sums or Fines, or Parts of Fines, payable on the Alienation of Land and other Hereditaments by Fine or Recovery, have been and will be wholly deprived thereof, and it is reasonable and fit that Compensation should be made to the said Persons for such Losses; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, by Warrant under their Hands to order and direct that from and after the Thirty-first Day of *December* One thousand eight hundred and thirty-three such annual or other Compensation as in his or their Discretion shall seem just and reasonable shall be made to all and every the Lords of Liberties, Lessees or Grantees under the Crown, Bodies Corporate and Politic and other Persons who at the Time of the passing of the said Act were lawfully entitled to Fines or Parts of Fines payable on Alienation of Land and other Hereditaments in *England* or *Wales* as aforesaid, for any Loss which they have and will respectively sustain by reason of the Abolition of such Fines; and all such Compensations, whether annual or in gross, shall be issued and paid and payable out of and charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided always, that an Account of all such Compensations shall within Fourteen Days next after the same shall be so granted be laid before the Commons House of Parliament, if Parliament shall be then assembled, or if Parliament shall not be then assembled then within Fourteen Days after the Meeting of Parliament then next following.

VIII. ' And whereas the Receiver General of Alienation Fines, prior to the Commencement of the Year One thousand eight hundred and thirty-four, paid to the Keeper or Clerk of the Hanaper in the Court of Chancery, or to his Deputy, the Sum of Two thousand Pounds *per Annum* out of the Monies received for Fines at the Alienation Office upon Writs of Covenant and Writs of Entry, towards defraying the Salaries, Allowances, and other Payments charged upon the said Keeper or Clerk of the Hanaper by Acts of Parliament and other Authorities: And whereas in consequence of the Abolition of Fines and Recoveries the said Receiver General has not been enabled to pay the said Sum since the Commencement of the Year One thousand eight hundred and thirty-four, and it is necessary that Provision should be made for charging it upon the Consolidated Fund; be it therefore enacted, That it shall be lawful for the Lord High Treasurer or Commissioners of His Majesty's Treasury for the Time being, if he or they shall think proper, to direct a Sum not exceeding Two thousand Pounds *per Annum* to be charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and to be issued

Compensation to Lords of Liberties, &c. for Loss of Fines.

The Sum of 2,000*l.* heretofore paid by Receiver of Alienation Fines to the Hanaper to be paid out of the Consolidated Fund.

and paid and payable to the Keeper or Clerk of the Hanaper in the Court of Chancery, or to his Deputy, at such Times and in such Portions as the said Lord High Treasurer or the Commissioners of His Majesty's Treasury may direct, to enable the said Keeper or Clerk of the Hanaper, or his Deputy, to provide for and discharge the Salaries, Allowances, and other Payments charged upon and payable in the said Office of the Hanaper, the first Payment of Two thousand Pounds *per Annum*, or such Part thereof as may be required, to be reckoned and be payable from the First Day of *January* One thousand eight hundred and thirty-four.

Compensation for Loss of Emoluments to Acting Curators of the Court of Chancery to be paid out of the Consolidated Fund.

IX. ' And whereas by the Operation of this Act the Emoluments of the Acting Curators of the Court of Chancery will be ' entirely taken away, and it is reasonable and fit that Compensation ' should be made to the Persons now holding those Situations, for ' the Loss thereof;' be it therefore enacted, That it shall and may be lawful for the Lord High Treasurer or any Three or more of the Commissioners of His Majesty's Treasury for the Time being, by Warrant under his or their Hands, to order and direct that such annual or other Compensation as to him or them, in their Discretion, shall seem just and reasonable, shall be made to the Persons now performing the Duties of Acting Curators of the Court of Chancery, for any Loss of Emoluments arising from such Employment which they may respectively sustain by reason of the Abolition of the Offices of the Curators of the said Court by the Provisions of this Act, and such Compensations, whether annual or in gross, shall be issued and paid and payable out of and be charged and chargeable upon the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided always, that an Account of such Compensations shall within Fourteen Days next after the same shall be so granted be laid before the Commons House of Parliament, if Parliament shall be then assembled, or if Parliament shall not be then assembled then within Fourteen Days after the Meeting of Parliament then next following.

Curators of the Court of Chancery abolished from and after 31st December 1835, and Duties transferred to Petty Bag Office. 2 W. 4. c. 39. 5 & 4 W. 4. c. 74.

X. ' And whereas by the Operation of an Act passed in the ' Second Year of the Reign of His present Majesty, intituled *An Act for Uniformity of Process in Personal Actions in His Majesty's Courts of Law at Westminster*, and of another Act passed in the ' Third and Fourth Years of the Reign of His present Majesty, ' intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, the Business ' of the Curators of the High Court of Chancery has been greatly ' diminished, and it is expedient that their Offices should be ' abolished, and the few remaining Duties transferred to some other ' Officer belonging to the said Court;' be it therefore enacted, That from and after the said Thirty-first Day of *December* the Offices of the Curators of the said High Court of Chancery shall utterly cease and determine, and all and every the Duties of the said Curators shall be performed by the Clerks of the Petty Bag Office in the said Court for the Time being, and all the Acts to be done by the said Clerks of the Petty Bag Office in the Performance of the Duties of the said Curators, from and after the said Thirty-first Day of *December*, shall, in all respects, and to all Intents and Purposes, have the same Force and Effect as if the same had been done and performed by the said Curators or by their Deputies.

XI. And

XI. And be it further enacted, That the several Records, Books and other Documents of and concerning the Duties and Business of the Offices of the said Cursitors shall, on or before the said Thirty-first Day of *December*, be delivered by the said Cursitors or their Deputies into the Hands and Possession of the said Clerks of the Petty Bag Office, to be by them kept and preserved for the same Uses and Purposes as the said Records, Books, and other Documents have been heretofore kept and preserved in the Office of the said Cursitors.

Records, &c. of the Cursitors transferred to the Clerks of the Petty Bag Office.

XII. And be it further enacted, That it shall be lawful for the said Clerks of the Petty Bag Office for the Time being, from and after the said Thirty-first Day of *December*, to demand and receive the same Fees for all Acts, Matters, and Things done, performed, and executed by them as the several Cursitors whose Offices are hereby abolished have been accustomed to demand and receive; and the said Clerks of the Petty Bag Office for the Time being are hereby required to account for all such Fees received by them to the said Lord High Treasurer or Commissioners of His Majesty's Treasury, at such Times and in such Manner as he or they may direct; and the said Lord High Treasurer or Commissioners of His Majesty's Treasury is and are hereby authorized and empowered to allow the Clerks of the Petty Bag Office for the Time being such Remuneration for the Performance of the Duties hereby imposed upon them as he or they shall think reasonable and proper.

Clerks of the Petty Bag Office to receive the same Fees as the Cursitors for all Acts done by them.

### CAP. LXXXIII.

An Act to amend the Law touching Letters Patent for Inventions. [10th *September* 1835.]

‘ **W**HEREAS it is expedient to make certain Additions to and Alterations in the present Law touching Letters Patent for Inventions, as well for the better protecting of Patentees in the Rights intended to be secured by such Letters Patent, as for the more ample Benefit of the Public from the same:’ Be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That any Person who, as Grantee, Assignee, or otherwise, hath obtained or who shall hereafter obtain Letters Patent, for the sole making, exercising, vending, or using of any Invention, may, if he think fit, enter with the Clerk of the Patents of *England*, *Scotland*, or *Ireland*, respectively, as the Case may be, having first obtained the Leave of His Majesty's Attorney General or Solicitor General in case of an *English* Patent, of the Lord Advocate or Solicitor General of *Scotland* in the Case of a *Scotch* Patent, or of His Majesty's Attorney General or Solicitor General for *Ireland* in the Case of an *Irish* Patent, certified by his Fiat and Signature, a Disclaimer of any Part of either the Title of the Invention or of the Specification, stating the Reason for such Disclaimer, or may, with such Leave as aforesaid, enter a Memorandum of any Alteration in the said Title or Specification, not being such Disclaimer or such Alteration as shall extend the exclusive Right granted by the said Letters Patent; and such Disclaimer or Memorandum of Alteration,

Any Person having obtained Letters Patent for any Invention may enter a Disclaimer of any Part of his Specification, or a Memorandum of any Alteration therein, which, when filed, to be deemed Part of such Specification.



Caveat may be entered as heretofore.

Disclaimer not to affect Actions pending at the Time.

Attorney General may require the Party to advertise his Disclaimer.

Mode of proceeding where Patentee is proved not to be the real Inventor, though he believed himself to be so.

If in any Action or Suit a Verdict or Decree shall pass for the

Alteration, being filed by the said Clerk of the Patents, and enrolled with the Specification, shall be deemed and taken to be Part of such Letters Patent or such Specification in all Courts whatever: Provided always, that any Person may enter a Caveat, in like Manner as Caveats are now used to be entered, against such Disclaimer or Alteration; which Caveat being so entered shall give the Party entering the same a Right to have Notice of the Application being heard by the Attorney General or Solicitor General or Lord Advocate respectively: Provided also, that no such Disclaimer or Alteration shall be receivable in Evidence in any Action or Suit (save and except in any Proceeding by Scire facias) pending at the Time when such Disclaimer or Alteration was enrolled, but in every such Action or Suit the original Title and Specification alone shall be given in Evidence, and deemed and taken to be the Title and Specification of the Invention for which the Letters Patent have been or shall have been granted: Provided also, that it shall be lawful for the Attorney General or Solicitor General or Lord Advocate, before granting such Fiat, to require the Party applying for the same to advertise his Disclaimer or Alteration in such Manner as to such Attorney General or Solicitor General or Lord Advocate shall seem right, and shall, if he so require such Advertisement, certify in his Fiat that the same has been duly made.

II. And be it enacted, That if in any Suit or Action it shall be proved or specially found by the Verdict of a Jury that any Person who shall have obtained Letters Patent for any Invention or supposed Invention was not the first Inventor thereof, or of some Part thereof, by reason of some other Person or Persons having invented or used the same, or some Part thereof, before the Date of such Letters Patent, or if such Patentee or his Assigns shall discover that some other Person had, unknown to such Patentee, invented or used the same, or some Part thereof, before the Date of such Letters Patent, it shall and may be lawful for such Patentee or his Assigns to petition His Majesty in Council to confirm the said Letters Patent or to grant new Letters Patent, the Matter of which Petition shall be heard before the Judicial Committee of the Privy Council; and such Committee, upon examining the said Matter, and being satisfied that such Patentee believed himself to be the first and original Inventor, and being satisfied that such Invention or Part thereof had not been publicly and generally used before the Date of such first Letters Patent, may report to His Majesty their Opinion that the Prayer of such Petition ought to be complied with, whereupon His Majesty may, if He think fit, grant such Prayer; and the said Letters Patent shall be available in Law and Equity to give to such Petitioner the sole Right of using, making, and vending such Invention as against all Persons whatsoever, any Law, Usage, or Custom to the contrary thereof notwithstanding: Provided, that any Person opposing such Petition shall be entitled to be heard before the said Judicial Committee: Provided also, that any Person, Party to any former Suit or Action touching such first Letters Patent, shall be entitled to have Notice of such Petition before presenting the same.

III. And be it enacted, That if any Action at Law or any Suit in Equity for an Account shall be brought in respect of any alleged Infringement of such Letters Patent heretofore or hereafter granted,

or any Scire facias to repeal such Letters Patent, and if a Verdict shall pass for the Patentee or his Assigns, or if a final Decree or decretal Order shall be made for him or them, upon the Merits of the Suit, it shall be lawful for the Judge before whom such Action shall be tried to certify on the Record, or the Judge who shall make such Decree or Order to give a Certificate under his Hand, that the Validity of the Patent came in question before him, which Record or Certificate being given in Evidence in any other Suit or Action whatever touching such Patent, if a Verdict shall pass, or Decree or decretal Order be made, in favour of such Patentee or his Assigns, he or they shall receive Treble Costs in such Suit or Action, to be taxed at Three Times the taxed Costs, unless the Judge making such Second or other Decree or Order, or trying such Second or other Action, shall certify that he ought not to have such Treble Costs.

Patentee, the Judge may grant a Certificate, which being given in Evidence in any other Suit, shall entitle the Patentee, upon a Verdict in his Favour, to receive Treble Costs.

IV. And be it further enacted, That if any Person who now hath or shall hereafter obtain any Letters Patent as aforesaid shall advertise in the *London Gazette* Three Times, and in Three *London Papers*, and Three Times in some Country Paper published in the Town where or near to which he carried on any Manufacture of any Thing made according to his Specification, or near to or in which he resides in case he carried on no such Manufacture, or published in the County where he carries on such Manufacture or where he lives in case there shall not be any Paper published in such Town, that he intends to apply to His Majesty in Council for a Prolongation of his Term of sole using and vending his Invention, and shall petition His Majesty in Council to that Effect, it shall be lawful for any Person to enter a Caveat at the Council Office; and if His Majesty shall refer the Consideration of such Petition to the Judicial Committee of the Privy Council, and Notice shall first be by him given to any Person or Persons who shall have entered such Caveats, the Petitioner shall be heard by his Counsel and Witnesses to prove his Case, and the Persons entering Caveats shall likewise be heard by their Counsel and Witnesses; whereupon, and upon hearing and inquiring of the whole Matter, the Judicial Committee may report to His Majesty that a further Extension of the Term in the said Letters Patent should be granted, not exceeding Seven Years; and His Majesty is hereby authorized and empowered, if He shall think fit, to grant new Letters Patent for the said Invention for a Term not exceeding Seven Years after the Expiration of the first Term, any Law, Custom, or Usage to the contrary in anywise notwithstanding: Provided that no such Extension shall be granted if the Application by Petition shall not be made and prosecuted with Effect before the Expiration of the Term originally granted in such Letters Patent.

Mode of proceeding in case of Application for the Prolongation of Term of Patent.

V. And be it enacted, That in any Action brought against any Person for infringing any Letters Patent the Defendant on pleading thereto shall give to the Plaintiff, and in any Scire facias to repeal such Letters Patent the Plaintiff shall file with his Declaration, a Notice of any Objections on which he means to rely at the Trial of such Action, and no Objection shall be allowed to be made in behalf of such Defendant or Plaintiff respectively at such Trial unless he prove the Objections stated in such Notice: Provided always, that it shall and may be lawful for any Judge at Chambers, on Summons served

In case of Action, &c. Notice of Objections to be given.

*repealed by 24 & 25 Geo 4*  
*from person*

served by such Defendant or Plaintiff on such Plaintiff or Defendant respectively to show Cause why he should not be allowed to offer other Objections whereof Notice shall not have been given as aforesaid, to give Leave to offer such Objections, on such Terms as to such Judge shall seem fit.

As to Costs in  
Actions for  
infringing Let-  
ters Patent.

VI. And be it enacted, That in any Action brought for infringing the Right granted by any Letters Patent, in taxing the Costs thereof Regard shall be had to the Part of such Case which has been proved at the Trial, which shall be certified by the Judge before whom the same shall be had, and the Costs of each Part of the Case shall be given according as either Party has succeeded or failed therein, Regard being had to the Notice of Objections, as well as the Counts in the Declaration, and without Regard to the general Result of the Trial.

Penalty for  
using, unautho-  
rized, the  
Name of a  
Patentee, &c.

VII. And be it enacted, That if any Person shall write, paint, or print, or mould, cast, or carve, or engrave or stamp upon any Thing made, used, or sold by him, for the sole making or selling of which he hath not or shall not have obtained Letters Patent, the Name or any Imitation of the Name of any other Person who hath or shall have obtained Letters Patent for the sole making and vending of such Thing, without Leave in Writing of such Patentee or his Assigns, or if any Person shall upon such Thing, not having been purchased from the Patentee or some Person who purchased it from or under such Patentee, or not having had the Licence or Consent in Writing of such Patentee or his Assigns, write, paint, print, mould, cast, carve, engrave, stamp, or otherwise mark the Word "Patent," the Words "Letters Patent," or the Words "By the King's Patent," or any Words of the like Kind, Meaning, or Import, with a view of imitating or counterfeiting the Stamp, Mark, or other Device of the Patentee, or shall in any other Manner imitate or counterfeit the Stamp or Mark or other Device of the Patentee, he shall for every such Offence be liable to a Penalty of Fifty Pounds, to be recovered by Action of Debt, Bill, Plaint, Process, or Information in any of His Majesty's Courts of Record at *Westminster* or in *Ireland*, or in the Court of Session in *Scotland*, one Half to His Majesty, His Heirs and Successors, and the other to any Person who shall sue for the same: Provided always, that nothing herein contained shall be construed to extend to subject any Person to any Penalty in respect of stamping or in any way marking the Word "Patent" upon any Thing made, for the sole making or vending of which a Patent before obtained shall have expired.

#### CAP. LXXXIV.

An Act to empower Grand Juries in *Ireland* to raise Money by Presentment for the Construction, Enlargement, or Repair of Piers and Quays.

[10th September 1835.]

WHEREAS it would tend to encourage the Fisheries of *Ireland*, as well as to facilitate the Export of Agricultural Produce and the Introduction of various Commodities into the Interior, if a sufficient Number of Piers and Quays were built upon the Banks of Navigable Lakes and Rivers in *Ireland* :

Be

Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled; and by the Authority of the same, That when any Person shall be desirous of promoting the Erection of any Pier or Quay, or the repairing or enlarging of any existing Pier or Quay, on the Bank of any Navigable River or Lake, or the making or repairing of any Road or Approach to any such Pier or Quay, in any County, County of a City, or County of a Town in *Ireland*, or to deepening or embanking of any such Lake or River, it shall and may be lawful for such Person to make Application, and for the Grand Jury of the said County, County of a City, or County of a Town to make Presentment, for such Purposes, in like Manner, and subject to all the Regulations and Provisions which are contained in the first Act of the Third and Fourth of *William* the Fourth, intituled *An Act to amend the Laws relating to Grand Juries in Ireland*, respecting Public Works; and every such Application shall be proceeded on in every respect as if it were for a Public Work under the said recited Act of the Third and Fourth of *William* the Fourth: Provided always, that no Sum or Sums of Money shall be presented for the Erection of any Pier or Quay, or the making any Roads or Approaches thereunto, until the Person or Persons making Application by Presentment for such Work shall have first paid into the Hands of the Treasurer of the County, County of a City, or County of a Town in which the proposed Work is to be executed, a Sum equal to One Third Part of the whole estimated Expence of said Work, such Payment to be certified to the Grand Jury of such County, County of a City, or County of a Town, by the said Treasurer's Receipt, previous to their making any Presentment thereon, and such Grand Jury may then make a Presentment for the remaining Two Thirds of such estimated Expence: Provided always, that the Consent in Writing under the Hand and Seal of the Owner or Owners in Fee, or of the Person or Persons having a Lease of Lives renewable for ever, or a Term of Years not less than Ninety-nine being unexpired at the Time of making such Presentment of the Lands on which the said Work is to be constructed, shall have been lodged in the Office of the Treasurer of such County, County of a City, or County of a Town Six clear Days before the Assizes at which such Presentment is to be applied for: And provided always, that the whole Sum to be so presented for by the Grand Jury for any One Pier, Quay, Embankment, or other Work in this Act described shall not exceed the Sum of Three hundred Pounds Sterling, or for the repairing of any Pier or Quay, or of the Roads or Approaches thereunto, or for deepening or embanking any River or Lake, exceeding in the whole the Sum of Three hundred Pounds Sterling.

II. And be it enacted, That it shall and may be lawful for any Two Justices of the Peace in Petty Sessions assembled, in any County, County of a City, or County of a Town, under their Hands and Seals, to order any Sum not exceeding Ten Pounds to be expended in repairing any Pier or Quay now existing or to be built on the Bank of any Navigable River or Lake under the Provisions of this Act or of the first Act of the Third and Fourth of *William*

Grand Jury may make a Presentment for erecting, repairing, or enlarging any Pier or Quay.

S & 4 W. 4. c. 78.

Proviso, that One Third of the Estimate be first deposited with County Treasurer.

Consent of Owners, &c.

Limiting the Amount of Presentment for One Work to 300*l*.

Justices may grant Order for Repairs.

*William* the Fourth which may be suddenly damaged, in like Manner in all respects as they are empowered by the said recited Act of the Third and Fourth of *William* the Fourth to direct the Repairs of any Roads or Bridges which may be suddenly damaged.

Pier or Quay  
to become Public  
Property.

III. And be it enacted, That every Pier or Quay which shall be built or enlarged under the Provisions of this Act and of the said recited Act of the Third and Fourth of *William* the Fourth shall be deemed to become Public Property.

No Stamp Duty  
on Contracts.

IV. And be it enacted, That no Contract for the making, erecting, repairing, or enlarging any Public Work to be entered into by virtue of this Act, or of the said recited first Act of the Third and Fourth of *William* the Fourth, shall be liable to any Stamp Duty.



# I N D E X

TO THE

## PUBLIC GENERAL STATUTES,

5 & 6 WILLIAM IV.

Shewing whether they relate to the Whole or to any Part of the United Kingdom; viz.

<i>E.</i> signifies that the Act relates to	England (and Wales; if the Subject extends so far).
S. - - - - -	Scotland.
I. - - - - -	Ireland.
G. B. - - - - -	Great Britain.
G. B. & I. - - - - -	Great Britain and Ireland.
U. K. - - - - -	The Whole of the United Kingdom.

**A.**

	Cap.	Relating to.
<b>A</b> BOLITION of Slavery, to carry into further Execution the Provisions of 3 & 4 Gul. IV. c. 73. for compensating the Owners of Slaves upon the	45.	U.K.
Accounts (Public), amending Act of 2 & 3 Gul. IV. c. 26. for transferring the Duties of Commissioners of, in Ireland, to the Commissioners for auditing the Public Accounts of Great Britain	55.	I.
Admeasurement of the Tonnage and Burthen of the Merchant Shipping, regulating	56.	U.K.
Administration of Justice, explaining 1 Gul. IV. c. 70. for the more effectual	1.	E.
Affirmations, Abolition of, and substituting Declarations in lieu thereof	8.	U.K.
— the preceding Act repealed, and other Provisions made for the Abolition of unnecessary Oaths	62.	U.K.
America (North), repealing 9 Geo. IV. c. 21. regulating the Carriage of Passengers in Merchant Vessels from the United Kingdom to the British Possessions in	53.	U.K.
Animals, amending the Laws relating to the cruel Treatment of	59.	E.
Appropriation Acts	3.	U.K.
	9.	U.K.
	80.	U.K.
Army, annual Act for the Payment, &c. of	5.	U.K.
Assessed Taxes, altering certain Duties of, and regulating the Collection thereof	64.	G.B.
Assizes, Appointment of Places for the holding of	26.	I.

	Cap. Relating to.
Attornies Clerks, annual Indemnity Act for Persons omitting to make and file Affidavits of the Execution of Indentures of - - - - -	11. U.K.
Australia (Western), 10 Geo. IV. c. 22. for providing for the Government of His Majesty's Settlements in, continued to 31st December 1836 - - - - -	14. U.K.

B.

Bankrupts Estates, for investing in Government Securities a Portion of the Cash belonging to, and applying the Interest thereon in discharge of the Expences of the Court of Bankruptcy, &c. - - - - -	29. E.
Benefices without Cure of Souls, for protecting the Revenues of, while vacant, and for preventing the Lapse thereof during the pending Inquiries respecting the State of the Established Church - - - - -	30. E.
Bills, taking of, pro Confesso, altering and amending the Law regarding - - - - -	16. I.

C.

Canonries, for protecting the Revenues of, while vacant, and preventing the Lapse thereof during the pending Inquiries respecting the State of the Established Church - - - - -	30. E.
Capital Punishments, abolishing, in Cases of Letter Stealing and Sacrilege - - - - -	81. G.B.&I.
Chancery. (Clerk of the Crown in), repealing so much of 3 & 4 Gul. IV. c. 84. as relates to the Amount of Salary granted to, and to make other Provisions in relation to that Office - - - - -	47. E.
— abolishing certain Offices connected with Fines and Recoveries and the Coursitors in the Court of - - - - -	82. E.
Charities, for appointing Commissioners to continue the Inquiries concerning, until 1st March 1837 - - - - -	71. E.
Commitments by Courts of Equity for Contempts, altering and amending the Laws regarding - - - - -	16. I.
Common Law, for the Abolition of certain Offices in the Superior Courts of - - - - -	82. E.
Constables (Special), enlarging the Powers of Magistrates in the Appointment of - - - - -	43. E.
Corn, regulating the Importation of, into the Isle of Man - - - - -	13. U.K.
Corporations (Municipal), providing for the Regulation of - - - - -	76. E.
Court of Review and Subdivision Courts, removing Doubts as to the Extent of the Powers of - - - - -	29. E.
Criminals, in the County of Chester, explaining 1 Gul. IV. c. 70. so far as relates to the Execution of - - - - -	1. E.
Coursitors, abolishing certain Offices connected with, in the Court of Chancery - - - - -	82. E.
Customs, amending the Law relating to - - - - -	66. U.K.

## D.

	Cap.	Relating to.
Debts, amending the Laws relating to the Recovery of -	55.	I.
—— (Civil) of small Amount, abolishing Imprisonment for -	70.	S.
Deodands, for the more speedy Return and Recovery of -	55.	I.
Dominica (Island of), allowing the Importation of certain } Articles into, Duty-free, for a limited Time } —— granting Relief to - - - - - }	10.	U.K.
	51.	U.K.

## E.

East India Company, authorizing the Court of Directors of, to } suspend the Execution of 3 & 4 Gul. IV. c. 85. so far as re- } lates to the Creation of the Government of Agra - } East Indies, indemnifying the Governor General and others } for certain Acts done in the Government of British Terri- } tories in the - - - - - }	52.	U.K.
	6.	U.K.
Ecclesiastical Dignities, for protecting the Revenues of, while } vacant, and for preventing the Lapse thereof during the In- } quiries respecting the State of the Established Church - }	30.	E.
Elections (contested) of Members of Parliament, limiting the } Time of taking the Poll in Boroughs at, to One Day - }	36.	E.
Enlistment (voluntary) of Seamen, for the Encouragement of -	24.	U.K.
Exchequer Bills, raising £15,000,000 - - - - -	4.	U.K.
—— raising £13,521,550 - - - - -	44.	U.K.
Exchequer (Court of), amending 2 Gul. IV. c. 54. for pro- } viding for the Dispatch of Business now done by the } —— abolishing certain Offices in - - - - - }	46.	S.
	55.	I.
Excise Duty on Soap used in certain Manufactures, Allowances } of, continued - - - - - }	15.	G.B.
Excise Incorporation, abolishing, and transferring the Funds } thereof to the Consolidated Fund, and providing for the } Payment of Annuities to the Widows and Orphans of the In- } corporation Fund - - - - - }	72.	S.

## F.

Fees, for the more speedy Return and Recovery of - - -	55.	I.
Felony, extending Provisions of 7 Geo. IV. c. 64. as to taking } Bail in Cases of - - - - - }	33.	E.
Femes Covert, extending to Ireland certain Provisions of } 1 Gul. IV. c. 65. relating to the Property of - - - }	17.	I.
Fines and Forfeitures, for the more speedy Recovery of -	55.	I.
—— and Recoveries, abolishing certain Offices connected with	82.	E.
Flint Glass, repealing the Duty and Drawback on, and impos- } ing others in lieu thereof, and to reduce the Drawback on } German Sheet Glass exported in Panes, and to repeal the } Drawback on unground and unpolished Plate Glass, and to } amend the Law relating to the Duties on Glass - - - }	77.	U.K.
Forgery, Persons accused of, not to be entitled to Bail, unless } in certain Cases - - - - - }	73.	S.
Friendly Societies Acts, extending the Provisions of, to the } Islands of Guernsey, Jersey, and Man - - - - - }	23.	E.



G.

Glass. See Flint Glass.

	Cap.	Relating to.
Grand Juries empowered to raise Money by Presentment for the Construction, Enlargement, or Repair of Piers and Quays	84.	I.
Grants in custodiam, amending the Laws relating to	55.	I.

H.

Hempen Manufactures, continuing and amending Regulations for the Encouragement of	27.	I.
Highways, consolidating and amending the Laws relating to	50.	E.

I.

Imprisonment for Civil Debts of small Amount, abolished	70.	S.
Indemnity Act, annual	11.	U.K.
Indictments, for preventing the vexatious Removal of, into the Court of King's Bench	33.	E.
Infants, extending to Ireland certain Provisions of 1 Gul. IV. c. 65. respecting the Property of	17.	I.
Insane Persons, continuing for Three Years 2 & 3 Gul. IV. c. 107. and 3 & 4 Gul. IV. c. 64. relating to the Care and Treatment of	22.	E.
Insolvent Debtors Courts, to authorize the granting of Superannuation Allowances to the Commissioners and Officers of	42.	E. & I.
Isle of Man, regulating the Importation of Corn into	13.	U.K.

J.

Justice, explaining 1 Gul. IV. c. 70. for the more effectual Administration of	1.	E.
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L.

Land Revenues of the Crown, amending the Acts relating to Larceny, amending Two clerical Errors in 9 Geo. IV. c. 55. for consolidating the Laws relative to	58.	S.
Lectures, for preventing the Publication of, without Consent	34.	I.
Letter Stealing, abolishing Capital Punishment in Cases of	65.	E.
Letters Patent for Inventions, amending the Law touching	81.	G.B.&I.
Linen Manufacture, continuing and amending Regulations for	83.	G.B.&I.
Loan Societies, for the Establishment of	27.	I.
Lunatics and Persons of unsound Mind, extending to Ireland certain Provisions of 1 Gul. IV. c. 65. relating to the Property of	23.	E.
	17.	I.

M.

Magistrates, enlarging the Powers of, in the Appointment of Special Constables	43.	E.
Man (Isle of), regulating the Importation of Corn into	13.	U.K.
Manure, exempting from Toll Carriages carrying	18.	E.

	Cap.	Relating to.
Marine Forces while on Shore, annual Act for the Regulation of - - - - -	7.	U.K.
Marriages, rendering certain, valid, and altering the Law with respect to certain voidable Marriages - - - - -	54.	E.
Members of Parliament, limiting to One Day the Time of taking the Poll in Boroughs at contested Elections of - - - - -	36.	E.
Merchant Seamen, amending and consolidating the Laws relating to - - - - -	19.	U.K.
Merchant Shipping, regulating the Admeasurement of the Tonnage and Burthen of - - - - -	56.	U.K.
Militia Staff, for the further Reduction of, and to suspend the Ballot for the Militia - - - - -	37.	G.B.&I.
— annual Act for the Pay, Clothing, &c. of - - - - -	68.	G.B.&I.
Municipal Corporations, providing for the Regulation of - - - - -	76.	E.
Mutiny Act, annual - - - - -	5.	U.K.

## N.

Newspapers, amending 38 Geo. III. c. 78. for preventing the Mischiefs arising from the printing and publishing of, by Persons not known - - - - -	2.	G.B.
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## O.

Oaths, Abolition of, in various Departments of the State, and substituting Declarations in lieu thereof - - - - -	8.	U.K.
— the preceding Act repealed, and other Provisions made for the Abolition of unnecessary Oaths - - - - -	62.	U.K.
Offences endangering the Public Peace, for the better Prevention and Punishment of - - - - -	48.	I.
Offices, annual Indemnity Act for Persons neglecting to qualify for - - - - -	11.	U.K.

## P.

Passengers, repealing 9 Geo. IV. c. 21. for regulating the Carriage of, in Merchant Vessels from the United Kingdom to the British Possessions in North America - - - - -	53.	U.K.
Paymaster General, Paymaster and Treasurer of Chelsea Hospital, Treasurer of the Navy, and Treasurer of the Ordnance, consolidating the Offices of - - - - -	35.	U.K.
Penalties, for the more speedy Return and Recovery of - - - - -	55.	I.
Piers and Quays, empowering Grand Juries to raise Money by Presentment for the Construction, Enlargement, or Repair of Plate Glass. See Flint Glass.	84.	I.
Poll, limiting the Time of taking, in Boroughs, at contested Elections of Members of Parliament, to One Day - - - - -	36.	E.
Post, extending the Accommodation by, to and from Foreign Parts, and for other Purposes relating to the Post Office - - - - -	25.	U.K.
Prebends, for protecting the Revenues of, while vacant, and for preventing the Lapse thereof during the pending Inquiries respecting the State of the Established Church - - - - -	30.	E.

	Cap.	Relating to.
Prisons, for effecting greater Uniformity in the Government of, in England and Wales, and for appointing Inspectors of Prisons in Great Britain - - - - -	38.	G.B.
Public Roads, for giving Effect and Validity to certain Contracts and Presentments for keeping in repair certain - - - - -	31.	I.

R.

Recognizances, for the more speedy Return and Recovery of Representation of the People, amending 2 & 3 Gul. IV. c. 65. } concerning, and diminishing the Expences thereof - - }	55.	I.
	78.	S.

S.

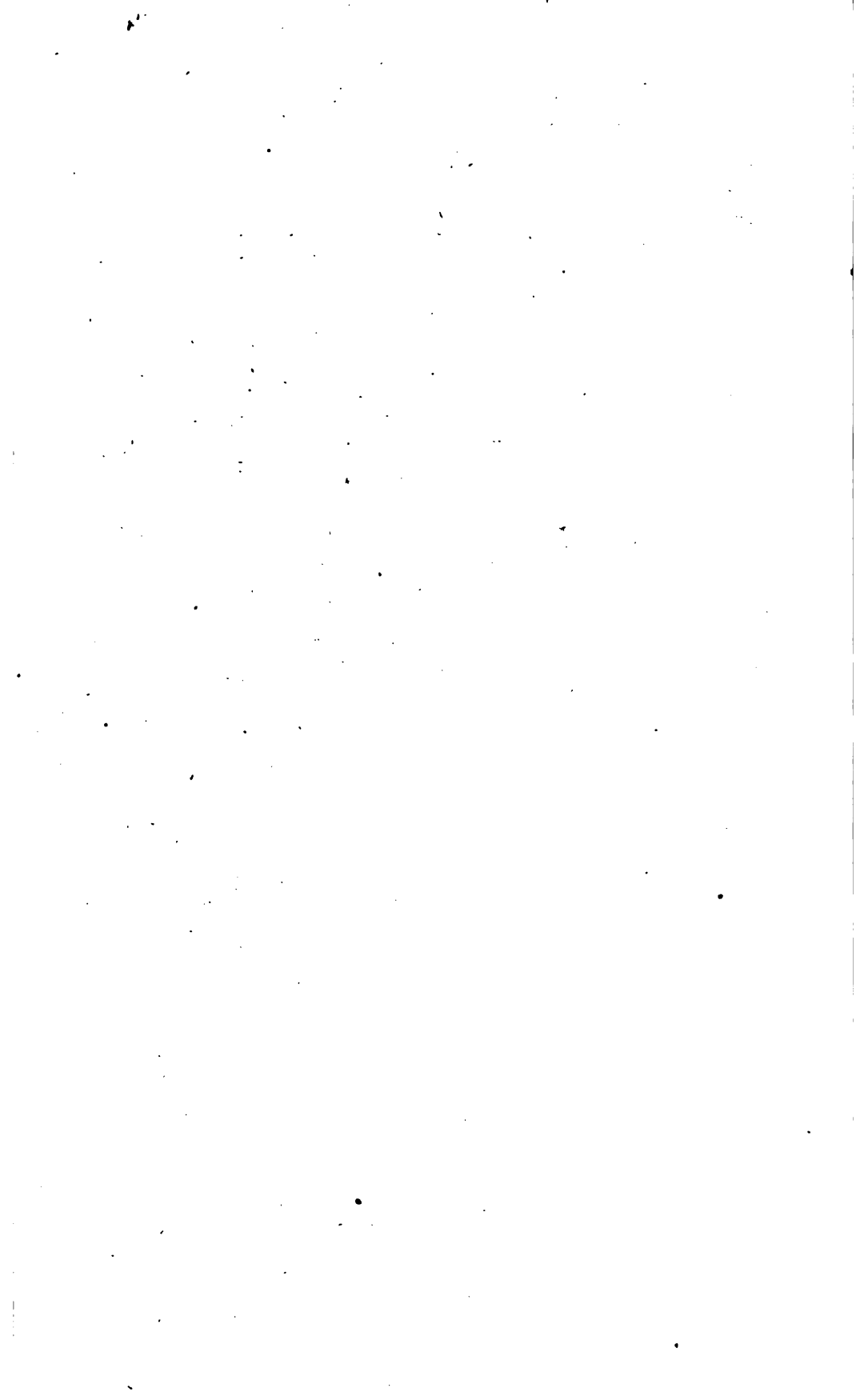
Sacrilege, abolishing Capital Punishments in Cases of - - -	81.	G.B.&I.
Savings Banks, extending to Scotland certain Provisions of 9 Geo. IV. c. 92. and 3 Gul. IV. c. 14. and consolidating and amending the Laws relating to - - - - -	57.	G.B.
Seamen, encouraging the voluntary Enlistment of - - -	24.	U.K.
Securities given for Considerations arising out of gaming, usurious, or other illegal Transactions, amending the Law relating to - - - - -	41.	G.B.&I.
Shannon (River), for Improvement of the Navigation of - -	67.	I.
Sheriffs of Cities or Towns, being Counties of themselves, removing Doubts as to the Declarations to be made and Oaths to be taken by - - - - -	28.	E.
_____ in Ireland, facilitating the Appointment of, and for the more effectual passing of their Accounts - -	55.	I.
Shrewsbury (Salop) to Bangor Ferry (Carnarvon), amending, &c. 59 Geo. III. c. 30. relating to the Road from - - -	21.	E.
Slaves, for carrying into further Execution the Provisions of 3 & 4 Gul. IV. c. 73. for compensating the Owners of, upon the Abolition of Slavery - - - - -	45.	U.K.
Slave Trade, for carrying into effect a Treaty with the King of the French and the King of Sardinia, and a Treaty with the King of the French and the King of Denmark, for the Suppression of - - - - -	60.	U.K.
	61.	U.K.
Soap used in certain Manufactures, Allowance of Excise Duty on, continued - - - - -	15.	G.B.
Spirits, exempting certain Retailers of, to a small Amount, from the additional Duties on Licences, &c. - - - - -	39.	G.B.&I.
Stamps, consolidating certain Offices in the Collection of - -	20.	G.B.
_____ altering certain Duties of, and regulating the Collection thereof - - - - -	64.	G.B.
Sugar imported, annual Duties on - - - - -	12.	U.K.
	3.	U.K.
	9.	U.K.
Supplies, Appropriation of - - - - -	80.	U.K.

## T.

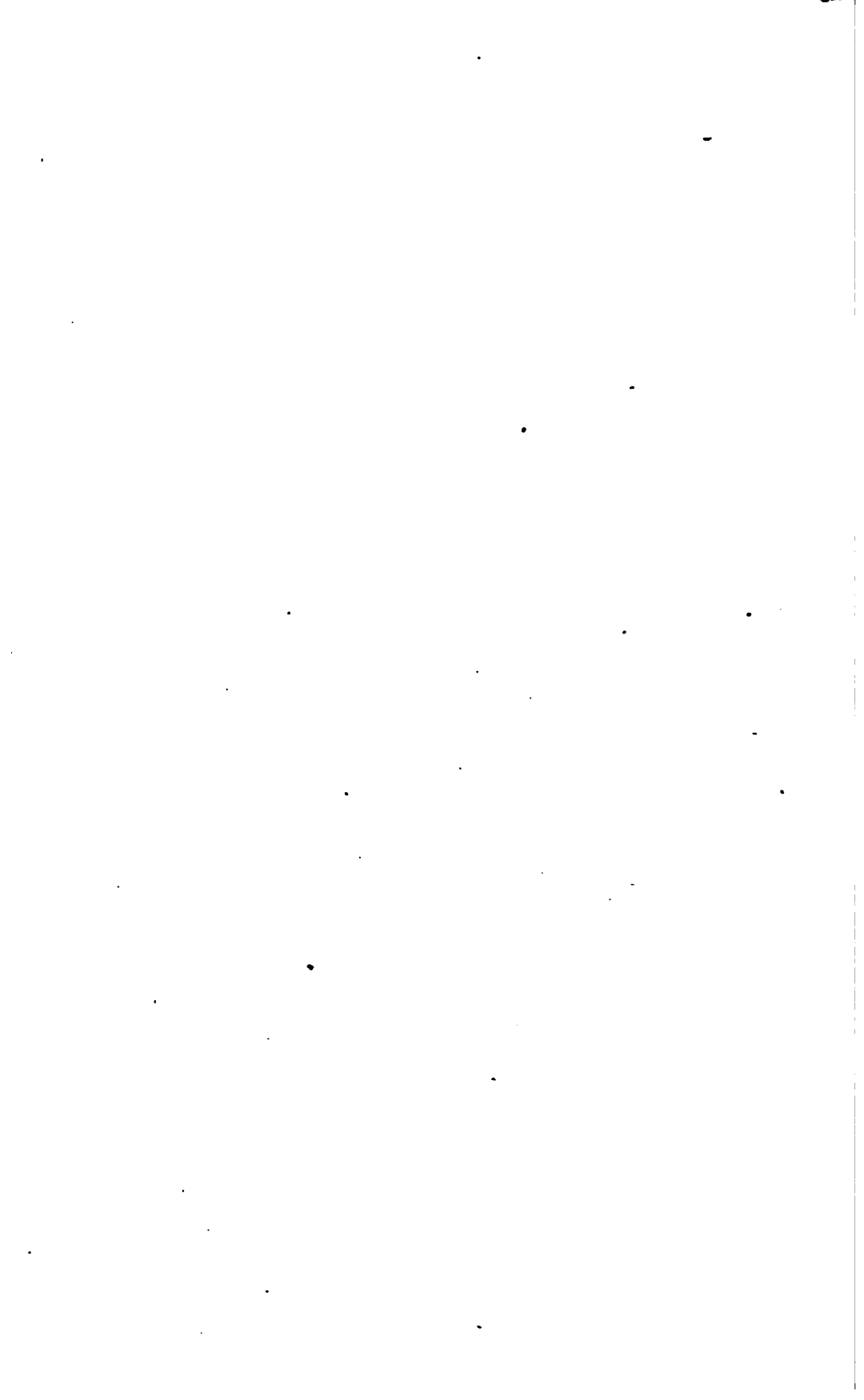
	Cap.	Relating to.
Taxes, consolidating certain Offices in the Collection of - -	20.	G.B.
— (Assessed), altering certain Duties of, and regulating the Collection thereof - - - - - }	64.	G.B.
Tea, imposing certain Duties on - - - - - }	32.	U.K.
Tithe Compositions, for suspending, until after 6th April 1836, Proceedings for recovering Payments of certain Instalments of Money advanced under the Acts for establishing - }	79.	I.
Tithes, for the more easy Recovery of - - - - - }	74.	E.
— of Turnips, amending the Law relating to - - - - - }	75.	E.
Tonnage and Burthen of Merchant Shipping, regulating the Admeasurement of - - - - - }	56.	U.K.
Turnpike Roads, for continuing 'till 1st June 1837 the several Acts for regulating - - - - - }	49.	G.B.

## W.

Weights and Measures, repealing 4 & 5 Gul. IV. c. 49. relating to, and making other Provisions instead thereof - - }	63.	U.K.
Western Australia, 10 Geo. IV. c. 22. for providing for the Government of His Majesty's Settlements in, continued to 31st December 1836 - - - - - }	14.	U.K.
Wine, for discontinuing the Excise Survey on, and the Use of Permits on the Removal thereof - - - - - }	39.	U.K.
Wood, to provide for the better Collection of the Duties on, the Produce of Places in Europe - - - - - }	40.	U.K.
Workhouses, for facilitating the Conveyance of, and other Pro- perty of Parishes and of Incorporations of Unions of Parishes }	69.	E.







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